finally catching up to the science and so should the House. We must be the leaders we were elected to be, follow the science, and have the choice to go without a mask.

I am going to be that leader, and I choose no mask.

CALIFORNIA DROUGHT

(Mr. VALADAO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALADAO. Mr. Speaker, I rise today to bring attention to the worsening drought conditions in California.

Farmers and producers in California grow more than one-third of the vegetables and two-thirds of the fruit and nuts produced in the U.S. Depriving our farmers of the water they need to grow our Nation's food ultimately increases the cost of food for every person in the United States. Still, the House majority has yet to take action to address this drought or consider legislation that will bring clean, reliable water to our struggling communities.

In February, I introduced H.R. 737, the RENEW WIIN Act, to allow the little water we have to be made available to the communities that feed our Nation.

While I am glad to see my persistent requests for a drought emergency declaration granted this week by California's Governor, this is only a step in the right direction. We need immediate action in Congress, and I implore my colleagues in the majority to advance legislation to confront this crisis, including my bill, the RENEW WIIN Act.

□ 0915

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 22, 2021.

Hon. NANCY PELOSI,
Speaker of the House, Washington, DC.

DEAR SPEAKER PELOSI: I am writing to inform you that, effective May 16, 2021, I will resign my seat in the U.S. House of Representatives representing Ohio's 15th Congressional District.

For the past ten years, it has been my honor and privilege to serve the people of Ohio's 15th District. Enclosed is a copy of my letter of resignation to the Governor of the State of Ohio, Mike DeWine.

Sincerely,

STEVE STIVERS.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 22, 2021.

Hon. MIKE DEWINE,
Governor of Ohio, Columbus, OH.

DEAR GOVERNOR DEWINE: I am writing to inform you that, effective May 16, 2021, I will resign my seat in the U.S. House of Representatives representing Ohio's 15th Congressional District.

For the past ten years, it has been my honor and privilege to serve the people of Ohio's 15th District. Enclosed is a copy of my letter of resignation to the Speaker of the House, Nancy Pelosi.

Sincerely,

STEVE STIVERS.

PREGNANT WORKERS FAIRNESS ACT

Mr. SCOTT of Virginia. Mr. Speaker, pursuant to House Resolution 380, I call up the bill (H.R. 1065) to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 380, the amendment in the nature of a substitute recommended by the Committee on Education and Labor, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pregnant Workers Fairness Act''.

SEC. 2. NONDISCRIMINATION WITH REGARD TO REASONABLE ACCOMMODATIONS RELATED TO PREGNANCY.

It shall be an unlawful employment practice for a covered entity to—

(1) not make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;

(2) require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in section 5(7);

(3) deny employment opportunities to a qualified employee if such denial is based on the need of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee;

(4) require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee; or

(5) take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

SEC. 3. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person alleging a violation of title VII of such Act (42 U.S.C. 2000e et seq.) shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(A) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of such Act (2 U.S.C. 1301)) or any person alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this Act provides to the Board or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(B) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Board or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Board or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person alleging a violation of section 411(a)(1) of such title shall be the powers, remedies, and procedures this Act provides to the President, the Commission, the Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(C) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the President, the Commission, the Board, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised

Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the President, the Commission, the Board, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(d) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b; 2000e–16c) to the Commission or any person alleging a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this Act provides to the Commission or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(D) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Commission or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Commission or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person alleging a violation of that section shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 5(3)(E) except as provided in paragraphs (2) and (3) of this subsection.

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes (42 U.S.C. 1988) shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be the powers, remedies, and procedures this Act provides to the Commission, the Attorney General, the Librarian of Congress, or any person alleging such practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes).

(f) PROHIBITION AGAINST RETALIATION.—

(1) IN GENERAL.—No person shall discriminate against any employee because such employee has opposed any act or practice made unlawful by this Act or because such employee made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(2) PROHIBITION AGAINST COERCION.—It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual having exercised or enjoyed, or on account of such individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Act.

(3) REMEDY.—The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) LIMITATION.—Notwithstanding subsections (a)(3), (b)(3), (c)(3), (d)(3), and (e)(3), if an unlawful employment practice involves the provision of a reasonable accommodation pursuant to this Act or regulations implementing this Act, damages may not be awarded under section 1977A of the Revised Statutes (42 U.S.C. 1981a) if the covered entity demonstrates good faith efforts, in consultation with the employee with known limitations related to pregnancy, childbirth, or related medical conditions who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such employee with an equally effective opportunity and would not cause an undue hardship on the operation of the covered entity.

SEC. 4. RULEMAKING.

Not later than 2 years after the date of enactment of this Act, the Commission shall issue regulations in an accessible format in accordance with subchapter II of chapter 5 of title 5, United States Code, to carry out this Act. Such regulations shall provide examples of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term ''Commission'' means the Equal Employment Opportunity Commission;

(2) the term ''covered entity''—

(A) has the meaning given the term ''respondent'' in section 701(n) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(n)); and

(B) includes—

(i) an employer, which means a person engaged in industry affecting commerce who has 15 or more employees as defined in section 701(b) of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(ii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) and section 411(c) of title 3, United States Code;

(iii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); and

(iv) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(3) the term ''employee'' means—

(A) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(C) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code;

(D) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a)); or

(E) an employee (including an applicant) to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(4) the term ''person'' has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a));

(5) the term ''known limitation'' means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability specified in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(6) the term ''qualified employee'' means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if—

(A) any inability to perform an essential function is for a temporary period;

(B) the essential function could be performed in the near future; and

(C) the inability to perform the essential function can be reasonably accommodated; and

(7) the terms ''reasonable accommodation'' and ''undue hardship'' have the meanings given such terms in section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111) and shall be construed as such terms are construed under such Act and as set forth in the regulations required by this Act, including with regard to the interactive process that will typically be used to determine an appropriate reasonable accommodation.

SEC. 6. WAIVER OF STATE IMMUNITY.

A State shall not be immune under the 11th Amendment to the Constitution from an action in a Federal or State court of competent jurisdiction for a violation of this Act. In any action against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

SEC. 7. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act shall be construed to invalidate or limit the powers, remedies, and procedures under any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for individuals affected by pregnancy, childbirth, or related medical conditions.

SEC. 8. SEVERABILITY.

If any provision of this Act or the application of that provision to particular persons or circumstances is held invalid or found to be unconstitutional, the remainder of this Act and the application of that provision to other persons or circumstances shall not be affected.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and the ranking minority member of the Committee on Education and Labor or their respective designees.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1065, the Pregnant Workers Fairness Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1065, the Pregnant Workers Fairness Act introduced by Representatives NADLER and KATKO.

It is unacceptable that, in 2021, pregnant workers can still be denied basic workplace accommodations that help them stay healthy during their pregnancy. These accommodations, from

providing seating and water to excusing pregnant workers from heavy lifting, are not complex or costly.

But without these protections, too many workers are forced to either leave their jobs or put their health and the health of their pregnancy at risk. We can and must do better to ensure that no worker in this country is forced to choose between financial security and a healthy pregnancy.

The Pregnant Workers Fairness Act would finally establish a right to reasonable accommodations to all pregnant workers, and it would guarantee that pregnant workers can seek those accommodations without facing discrimination or retaliation.

Last Congress, 226 House Democrats and 103 Republicans came together to pass this legislation by a margin of 329–73. I hope we can come together again this year and finally deliver this bipartisan priority to our Nation's workers.

Mr. Speaker, I urge strong support for the Pregnant Workers Fairness Act, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, March 24, 2021.

Hon. ROBERT C. ''BOBBY'' SCOTT,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CHAIRMAN SCOTT: I am writing to you concerning H.R. 1065, the Pregnant Workers Fairness Act. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on House Administration.

In the interest of permitting your committee to proceed expeditiously to floor consideration, the Committee on House Administration agrees to forego action on the bill. This is done with the understanding that the Committee on House Administration's jurisdictional interests over this and similar legislation are in no way diminished or altered. In addition, the Committee reserves its right to seek conferees on any provisions within its jurisdiction which are considered in a House-Senate conference and requests your support if such a request is made.

I would appreciate your response confirming this understanding with respect to H.R. 1065 and ask that a copy of our exchange of letters on this matter be included in your committee report on the bill and in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

ZOE LOFGREN,
Chairperson.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, March 25, 2021.

Hon. ZOE LOFGREN,
Chairperson, Committee on House Administration, Washington, DC.

DEAR CHAIRPERSON LOFGREN: In reference to your letter of March 24, 2021, I write to confirm our mutual understanding regarding H.R. 1065, the ''Pregnant Workers Fairness Act.''

I appreciate the Committee on House Administration's waiver of consideration of H.R. 1065 as specified in your letter. I acknowledge that the waiver was granted only to expedite floor consideration of H.R. 1065 and does not in any way waive or diminish the Committee on House Administration's jurisdictional interests over this or similar legislation.

I would be pleased to include our exchange of letters on this matter in the committee report for H.R. 1065 and in the Congressional Record during floor consideration of the bill to memorialize our joint understanding.

Again, thank you for your assistance with this matter.

Very truly yours,

ROBERT C. ''BOBBY'' SCOTT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 23, 2021.

Hon. BOBBY SCOTT,
Chairman, House Committee on Education and Labor, Washington, DC.

DEAR CHAIRMAN SCOTT: This is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 1065, the ''Pregnant Workers Fairness Act,'' that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 1065, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,

JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, April 28, 2021.

Hon. JERROLD NADLER,
Chairman, House Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN NADLER: In reference to your letter of March 23, 2021, I write to confirm our mutual understanding regarding H.R. 1065, the ''Pregnant Workers Fairness Act.''

I appreciate the Committee on the Judiciary's waiver of consideration of H.R. 1065 as specified in your letter. I acknowledge that the waiver was granted only to expedite floor consideration of H.R. 1065 and does not in any way waive or diminish the Committee on the Judiciary's jurisdictional interests over this or similar legislation.

I would be pleased to include our exchange of letters on this matter in the committee report for H.R. 1065 and in the Congressional Record during floor consideration of the bill to memorialize our joint understanding.

Again, thank you for your assistance with this matter.

Very truly yours,

ROBERT C. ''BOBBY'' SCOTT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, DC, April 28, 2021.

Hon. ROBERT C. ''BOBBY'' SCOTT,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CHAIRMAN SCOTT: I am writing to you concerning H.R. 1065, the Pregnant Workers Fairness Act. There are certain provisions in the legislation that fall within the Rule X jurisdiction of the Committee on Oversight and Reform.

In the interest of permitting your Committee to proceed expeditiously on this bill, I am willing to waive this Committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Oversight and Reform does not waive any future jurisdictional claim over the subject matters contained in the bill that fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this Committee to any conference committee that is named to consider such provisions.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective Committees.

Sincerely,

CAROLYN B. MALONEY,
Chairwoman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, April 29, 2021.

Hon. CAROLYN B. MALONEY,
Chairwoman, House Committee on Oversight and Reform, Washington, DC.

DEAR CHAIRWOMAN MALONEY: In reference to your letter of April 28, 2021, I write to confirm our mutual understanding regarding H.R. 1065, the ''Pregnant Workers Fairness Act.''

I appreciate the Committee on Oversight and Reform' s waiver of consideration of H.R. 1065 as specified in your letter. I acknowledge that the waiver was granted only to expedite floor consideration of H.R. 1065 and does not in any way waive or diminish the Committee on Oversight and Reform's jurisdictional interests over this or similar legislation.

I would be pleased to include our exchange of letters on this matter in the committee report for H.R. 1065 and in the Congressional Record during floor consideration of the bill to memorialize our joint understanding.

Again, thank you for your assistance with this matter.

Very truly yours,

ROBERT C. ''BOBBY'' SCOTT,
Chairman.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Republicans have long supported protections in Federal law for all workers, including pregnant workers, and we believe employers should provide reasonable workplace accommodations for pregnant workers, empowering them to achieve their highest potential.

I speak not only as a concerned Congresswoman on this issue but also as a mother and grandmother. Discrimination of any type should not be tolerated, and no one should ever be denied an opportunity because of unlawful discrimination.

That is why I support meaningful protections under Federal law to prevent workplace discrimination, including Federal laws that rightfully protect pregnant workers.

The Pregnancy Discrimination Act and the Americans with Disabilities Act are examples. These Federal laws already ensure workers are not being discriminated against and receive reasonable accommodations related to pregnancy, childbirth, or related medical conditions.

I agree with the underlying principle of H.R. 1065 and appreciate the bipartisan negotiations that took place during the 116th Congress to get this bill to where it is today. And I am pleased to see the changes we negotiated last Congress were incorporated in the legislative text this time around.

When the bill was introduced last Congress, it did not require that a pregnant worker, in order to be eligible for an accommodation, be able to perform the essential functions of the job with a reasonable accommodation. This is a sensible provision now included in the bill.

A definition of ''known limitations'' related to pregnancy, childbirth, or related medical conditions was also initially omitted. The bill now includes such a definition, including a requirement that employees communicate the known limitation to the employer. This provision will help workers and their employers understand their rights and responsibilities.

Additionally, the bill introduced last Congress appeared to allow employees a unilateral veto over offered accommodations. However, the bill now clarifies that reasonable accommodations will typically be determined through a balanced and interactive dialogue between workers and employers.

The bill introduced last Congress also did not include the limitation on applicability to employers with 15 or more employees, as is the case in title VII of the Civil Rights Act and title I of the Americans with Disabilities Act, but it now includes the 15-employee threshold.

Finally, the bill now includes a provision that if an employer makes a good faith effort to determine a reasonable accommodation through the interactive process with the employee, the employer is not liable for damages.

Unfortunately, there is one key provision missing from this bill. One of the core tenets of the Constitution is the guarantee of religious freedom. In fact, it is the first freedom mentioned in the Constitution.

For the last 240 years, the Supreme Court has upheld that principle in its decisions, and laws written by Congress have maintained strong protections for religious liberty. Yet, the bill we are discussing today deals an unnecessary blow to religious organizations, potentially forcing them to make hiring decisions that conflict with their faith.

Our job in the people's House is not to defy the Constitution, but to uphold it. No employer should have to choose between abiding by the law and adhering to their religious beliefs.

That is why Republicans offered an amendment in committee that would include a narrow but longstanding provision from the Civil Rights Act that is not currently incorporated in this bill. Committee Democrats voted down this commonsense amendment.

I also submitted the same amendment to the Rules Committee so that it could be debated today, but the Democrats prevented me from offering it. As a result, I cannot, in good conscience, vote in favor of this legislation.

I want to reiterate that I am pleased with the bipartisan negotiations that took place on H.R. 1065. When we work together, we can effect real change. But I will never support any bill that infringes on the Constitution, and I urge my colleagues on both sides of the aisle to do the same.

Taking away rights from our citizens is not a win for the American people; it is a win for Big Government.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), the chair of the Civil Rights and Human Services Subcommittee.

Ms. BONAMICI. Mr. Speaker, I thank the chairman for yielding.

I rise in strong support of the bipartisan Pregnant Workers Fairness Act. As a mom and policymaker, I know how important it is to protect the health, well-being, and economic security of pregnant workers and their families. Unfortunately, under current Federal law, pregnant workers do not have access to reasonable workplace accommodations.

Simple accommodations, such as providing seating, water, or an extra bathroom break, would allow pregnant workers to stay safe on their job during pregnancy. But when pregnant workers do not have access to the accommodations they need, they are at risk of jeopardizing their health and the health of their baby, losing their job, being denied a promotion, or not being hired in the first place.

It is unacceptable that, in 2021, pregnant workers can still be forced to choose between a healthy pregnancy and a paycheck.

Congress passed the Pregnancy Discrimination Act more than four decades ago, but pregnant workers still suffer discrimination at an alarming rate.

Megan, a manufacturing worker in Oregon, was forced to take unpaid leave after her employer denied her modest request for light duty 3½ months before her due date. Oregon has since passed a State version of the Pregnant Workers Fairness Act, and it is working very well. But pregnant workers across the country need fairness, too.

We know that women of color are overrepresented in low-wage, physically demanding jobs and are, therefore, disproportionately harmed by a lack of access to reasonable accommodations. By clarifying the right of pregnant workers to reasonable accommodations on the job, we will finally give them the ability to work safely without fear of facing discrimination or retaliation.

I thank Chairman SCOTT and Chairman NADLER for their leadership. I urge my colleagues to support this bipartisan bill.

Mr. Speaker, I include in the RECORD a letter from the National Partnership for Women & Families in support of the Pregnant Workers Fairness Act.

NATIONAL PARTNERSHIP FOR
WOMEN & FAMILIES,
Washington, DC, May 11, 2021.

DEAR MEMBER OF CONGRESS: The National Partnership for Women & Families is a nonprofit, non-partisan advocacy organization committed to improving the lives of women and families by achieving equity for all women. Since our creation as the Women's Legal Defense Fund in 1971, we have fought for every significant advance for equal opportunity in the workplace, including the Pregnancy Discrimination Act of 1978 and the Family and Medical Leave Act of 1993 (FMLA). We write in strong support of H.R. 1065, the Pregnant Workers Fairness Act. This bipartisan legislation will support pregnant workers on the job, improving women's and families' economic security and promoting healthier pregnancies.

More than 40 years ago, Congress passed the Pregnancy Discrimination Act of 1978, outlawing discrimination on the basis of pregnancy, childbirth or related medical conditions, yet pregnancy discrimination is still widespread and impacts pregnant workers across industry, race, ethnicity and jurisdiction. Nearly 31,000 pregnancy discrimination charges were filed with the U.S. Equal Employment Opportunity Commission (EEOC) and state-level fair employment practice agencies between 2010 and 2015, and the reality of pregnancy discrimination is likely much worse than illustrated by EEOC charges. As a result of this discrimination, too many women must choose between their paychecks and a healthy pregnancy—a choice that no one should have to make.

The Pregnant Workers Fairness Act would create a clear policy standard requiring employers to provide reasonable accommodations to pregnant workers. Support for a law like this is nearly universal and bipartisan. Eighty-nine percent of voters favor this bill, including 69 percent of voters who strongly favor it. Just this Congress, thirty-five leading private sector employers endorsed the Pregnant Workers Fairness Act in an open letter to Congress.

More than 85 percent of women will become mothers at some point in their working lives. And sometimes, an accommodation is needed in order for a pregnant worker to continue performing their job. Those accommodations are often small changes to their work environment such as additional bathroom breaks, a stool to sit on or the ability to have a water bottle at their work station. Although minor, these accommodations allow pregnant workers to stay in the workforce and continue to provide for themselves and their families. When pregnant workers are fired, demoted, or forced into unpaid leave, they and their families lose critical income, and they may struggle to re-enter a job market that is particularly harsh for people who are currently or were recently pregnant.

Pregnancy discrimination affects women across race and ethnicity, but women of color and immigrants are at particular risk. They are disproportionately likely to work in jobs and industries where accommodations during pregnancy are not often provided (such as home health aides, food service workers, package handlers and cleaners). Black women are much more likely than white women to file pregnancy discrimination charges, they are also at a higher risk for pregnancy-related complications like pre-term labor, preeclampsia and hypertensive disorders making reasonable accommodations on the job even more important,

and loss of wages and health insurance due to pregnancy discrimination especially challenging.

To date, thirty-one states including the District of Columbia and four cities have passed laws requiring employers to provide reasonable accommodations to pregnant workers. But the ability to maintain a healthy pregnancy and keep a job should not depend on where a pregnant person works. Women are a crucial part of the workforce and their participation matters for the growth of our economy and for the stability and wellbeing of families nationwide.

The COVID–19 pandemic has exacerbated the conditions of pregnant workers. Pregnant people are at a higher risk of falling ill from COVID–19 and experiencing complications, and thus require increased protections against the virus. Since the beginning of the pandemic, pregnant workers have experienced increased levels of workplace discrimination by being denied accommodations and leave. The Pregnant Workers Fairness Act would ensure that pregnant workers have access to the accommodations they need in order to have a safe workplace experience.

The Pregnant Workers Fairness Act would strengthen existing federal protections, ensure more equitable workplaces and allow women to remain in the workforce and maintain their economic stability while having the accommodations necessary for healthy pregnancies. It is time to clarify and strengthen existing federal protections for pregnant workers by passing the Pregnant Workers Fairness Act.

Sincerely,

DEBRA L. NESS,
President,
National Partnership for Women & Families.

Ms. BONAMICI. Mr. Speaker, I urge all of my colleagues to support this bill.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from Louisiana (Ms. LETLOW).

Ms. LETLOW. Mr. Speaker, I rise today in opposition to H.R. 1065.

As a working mother who has two beautiful children, I support reasonable accommodations for pregnant workers. Many of the provisions in the Pregnant Workers Fairness Act are admirable. However, it is equally important to protect First Amendment rights of our religious organizations, hospitals, and schools, including those located in the Fifth District of Louisiana.

Under this bill, organizations could be forced to make employment-related decisions that conflict with their faith and sacrifice their religious rights. For example, a faith-based employer could be deemed in violation of this bill if it does not accommodate an employee's request for paid time off to undergo an abortion.

Also, if signed into law, this bill allows an independent and uncontrollable Federal agency to make additional rules and regulations that could further erode religious liberties. It leaves decisionmaking in the hands of unelected government bureaucrats.

Therefore, Congress must include a religious freedom exemption in the base text of this bill. When it comes to religious freedom and pro-life issues, we should not allow bureaucrats and potentially the judicial system to make decisions by reading between the lines. We must send a clear message that religious freedom is nonnegotiable.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ), a member of the Committee on Education and Labor.

Ms. LEGER FERNANDEZ. Mr. Speaker, Sunday, we celebrated Mother's Day. Today, we act to protect mothers-to-be.

Every pregnant worker deserves the opportunity to support their family without risking the health of their pregnancy. Yet, pregnant workers, especially those in low-wage and physically demanding jobs, are often forced to choose between their health and a paycheck.

The Pregnant Workers Fairness Act will correct these flaws in our system to ensure that pregnant women are treated fairly in the workplace.

Women carried the brunt of losses during the pandemic, losing a net 5.4 million jobs. We need to make it easier for them to get back to work, and that must include pregnant women.

I am proud that my home State of New Mexico passed legislation to protect pregnant workers, with bipartisan support, last year. It is time for Congress to do the same.

Mr. Speaker, I include in the RECORD a letter from the ACLU in support of the Pregnant Workers Fairness Act.

MAY 11, 2021.

Re Vote YES for the Pregnant Workers Fairness Act (H.R. 1065).

DEAR MEMBERS OF CONGRESS: On behalf of the American Civil Liberties Union, and our more than 1.8 million members, supporters, and activists, we write to express our support for H.R. 1065, the Pregnant Workers Fairness Act. This critical legislation would combat an all-too-common form of pregnancy discrimination while also providing employers much-needed clarity on their obligations under the law. We urge all members of the House of Representatives to vote in favor of this measured, bipartisan, and longoverdue legislation.

The ACLU has long fought to advance women's equality and opportunity by challenging laws and policies that discriminate against women in the workplace and by dismantling the stereotypes that constrain women's full engagement and participation at work. Although the Pregnancy Discrimination Act has played a critical role over the past 40 years in securing women's place in the workforce, too many women continue to be marginalized at work because of their decision to become pregnant and have children. This kind of discriminatory treatment has become most obvious when pregnant workers—predominantly women in physically demanding or male-dominated jobs, low-wage workers, and women of color—request temporary accommodations to address a medical need and instead are terminated or placed on unpaid leave, causing devastating economic harm. The Pregnant Workers Fairness Act would respond to this problem by requiring employers with fifteen or more employees to provide reasonable and temporary accommodations to pregnant workers if doing so would not impose an undue hardship on the business.

PREGNANCY DISCRIMINATION, THE PDA, AND YOUNG V. UPS, INC.

Pregnancy and childbirth are often locus points for discrimination against women in the workforce. Policies excluding or forcing the discharge of pregnant women from the workplace were common in the 1970s and reflected the stereotype that a woman's primary or sole duties were to be a homemaker and raise children. The adoption of the Pregnancy Discrimination Act (PDA) in 1978, an amendment to Title VII of the Civil Rights Act of 1964, established that discrimination because of ''pregnancy, childbirth, and related medical conditions'' was a form of discrimination ''because of sex.'' It was intended to dismantle the stereotype, and the policies based on it, that viewed pregnant women's labor force participation as contingent, temporary, and dispensable without regard to their individual capacity to do the job in question.

The PDA also required employers to treat pregnant workers the same as other temporarily disabled workers because Congress recognized that working women contributed to their families' economic stability and should not have to choose between a career and continuing a pregnancy. Despite the PDA, pregnancy discrimination persists, and for many years courts routinely ruled against workers who brought pregnancy accommodation cases where they alleged discrimination when an employer provided a job modification to an employee temporarily unable to work but failed to do the same for a pregnant worker.

In *Young* v. *United Parcel Service*, Inc., the Supreme Court granted certiorari to resolve a split in the Circuits and for the first time addressed the PDA's application in the context of an employee who needed an accommodation due to pregnancy. The Court concluded that the statute's mandate applied with equal force in these circumstances and articulated a modified analysis for failure-to-accommodate cases. The Court also offered a new pretext analysis that plaintiffs may rely on when litigating claims under the PDA's second clause. Since *Young*, the reflexive approval of employer policies favoring workers with occupational injuries has largely disappeared. However, the bright-line deference to employer policies, and the overbroad reading of such policies as ''pregnancy-blind,'' has been replaced, in many instances, with an unduly demanding standard for plaintiffs in making a showing of differential treatment—even at the initial pleading stage, prior to having the benefit of discovery. This trend undermines Young's intent of demanding that employers justify failures to accommodate pregnancy. Instead, they impose unwarranted—and often insurmountable—burdens of proof on pregnant workers that increasingly confer ''least favored nation'' status on the protected trait of pregnancy. The stories of clients the ACLU has represented—both as direct counsel and as lead amicus—illustrate the harm:

Lochren v. *Suffolk County*: Sandra Lochren and five other police officers sued the Suffolk County Police Department (SCPD) for refusing to temporarily reassign pregnant officers to deskwork and other non-patrol jobs, even though it did so for officers injured on the job. But for those officers who opted to keep working patrol, SCPD also failed to provide bulletproof vests or gun belts that would fit pregnant officers. Their only safe option was to go on unpaid leave long before their due dates.

Cole v. *SavaSeniorCare*: When Jaimie Cole, a certified nursing assistant, was in her third trimester, she developed a high risk of preeclampsia, a condition that can lead to preterm labor or even death. Her doctor advised her not to do any heavy lifting. Cole's

job required her to regularly help patients in and out of bed and assist with bathing, so she asked for a temporary light duty assignment. Instead, her employer sent her home without pay for the rest of her pregnancy.

Myers v. *Hope Healthcare Center:* Asia Myers, a certified nursing assistant, experienced complications early in her pregnancy and was told by her doctor that she could continue to work, but should not do any lifting on the job. Although her employer had a history of providing light duty to workers with temporary lifting restrictions, Myers was told not to return to work until her restrictions were lifted. She was out of work for over a month with no income or health insurance coverage.

Hicks v. *City of Tuscaloosa*: Stephanie Hicks, a narcotics investigator with the Tuscaloosa Police Department in Alabama, wanted to breastfeed her new baby, but her bulletproof vest was restrictive, painful, and prone to causing infection in her breasts. She asked for a desk job but her employer refused, even though it routinely granted desk jobs to officers unable to fulfill all of their patrol duties. Instead, it offered her an ill-fitting vest that put her at risk.

Legg v. *Ulster County*: Corrections Officer Ann Marie Legg was denied light duty during her pregnancy, even though Ulster County gave such assignments to guards injured on the job. In her third trimester, Legg had to intervene in a fight, prompting her to go on leave rather than face future risks.

Allen v. *AT&T Mobility*: Cynthia Allen lost her job because she accumulated too many ''points'' under AT&T Mobility's punitive attendance policy due to pregnancy-related symptoms such as nausea. The policy makes accommodation for late arrivals, early departures, and absences due to thirteen enumerated reasons, some medical and some not, but none due to pregnancy and pregnancy-related symptoms.

Durham v. *Rural/ Metro Corp*: Michelle Durham was an EMT in Alabama whose job often required her to lift patients on stretchers into an ambulance. When she became pregnant, her health care provider imposed a restriction on heavy lifting. Durham asked Rural/Metro for a temporary modified duty assignment during her pregnancy, but was rejected, despite the company's policy of giving such assignments to others. She was told her only option was to take unpaid leave.

WHY CONGRESS SHOULD PASS THE PREGNANT WORKERS FAIRNESS ACT

It is indisputable that Young was an important step forward to combat pregnancy discrimination. Yet, too many pregnant workers continue to face insurmountable obstacles in HR offices, where employers misunderstand their obligations under the PDA, and in courtrooms across the country, where judges use Young to hinder access to needed accommodations. Despite the clear mandates of the PDA, the current legal landscape leaves exposed and unprotected those pregnant workers who want to continue working while maintaining a healthy pregnancy.

Similarly, many pregnant workers have not found protection or recourse under the Americans with Disabilities Act of 1990 because absent complications, pregnancy is not considered a disability that substantially limits a major life activity. This legal reality means that many of the symptoms of a normal pregnancy that can disrupt a worker's ability to do her job—such as extreme fatigue, morning sickness, or limitations on her mobility—are not entitled to accommodation. Moreover, many pregnant workers seek accommodation precisely because they wish to avoid the conditions that might disable them or endanger their pregnancy. Yet because the ADA is so expansive with respect to other conditions that qualify as disabilities, the population of non-pregnant workers entitled to reasonable accommodation is exponentially larger than when the PDA was enacted more than 40 years ago. Accordingly, without such express entitlement to accommodation, pregnant workers face an untenable ''least favored nation'' status in the workplace.

The simple solution to this no-win situation is the Pregnant Workers Fairness Act. This legislation, modeled after the ADA and using a framework familiar to most employers, takes a thoughtful and measured approach to balancing the needs of working people and employers by requiring businesses with fifteen or more employees to provide workers with temporary, reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions if doing so would not place an undue hardship on business. It also prohibits employers from forcing a pregnant employee to take a leave of absence if a reasonable accommodation can be provided; prevents employers from denying job opportunities to an applicant or employee because of the individual's need for a reasonable accommodation; prevents an employer from forcing an applicant or employee to accept a specific accommodation; and prohibits retaliation against individuals who seek to use PWFA to protect their rights.

At a time when women constitute nearly 60 percent of the workforce and contribute significantly to their families' economic wellbeing, passage of PWFA is a dire necessity. When a pregnant worker is forced to quit, coerced into taking unpaid leave, or fired because her employer refuses to provide a temporary job modification, the economic impact can be severe; if she is the sole or primary breadwinner for her children, as nearly half of working women are, her entire family will be without an income when they most need it. She further may be denied unemployment benefits because she is considered to have left her job voluntarily. She may have few if any additional resources on which to rely. PWFA ensures that women would not face such devastating consequences. Instead, it treats pregnancy for what it is—a normal condition of employment.

PWFA promotes women's health. Accommodations make a difference in physically demanding jobs (requiring long hours, standing, lifting heavy objects, etc.) where the risk of preterm delivery and low birth weight are significant. The failure to provide accommodations can be linked to miscarriages and premature babies who suffer from a variety of ailments. This bill would be an important contribution in the fight to improve maternal health and mortality.

There is also a strong business case for PWFA. Providing pregnant employees with reasonable accommodations increases worker productivity, retention, and morale, and reduces health care costs associated with pregnancy complications. PWFA can also reduce litigation costs by providing greater clarity regarding an employer's legal obligations to pregnant workers. In fact, the U.S. Chamber of Commerce stated that PWFA would establish ''clear guidelines and a balanced process that works for employers and employees alike.'' Additionally, a group of leading private sector employers expressed their support for PWFA and noted ''women's labor force participation is critical to the strength of our companies, the growth of our economy and the financial security of most modern families.''

Finally, 30 states across the political and ideological spectrum have recognized the benefits of providing reasonable accommodations to pregnant workers. Congress should ensure that all pregnant workers, not just some, have the protections they need.

It is time for Congress to act and pass the Pregnant Workers Fairness Act.

Sincerely,

RONALD NEWMAN,
National Political Director.
GILLIAN THOMAS,
Senior Staff Attorney.
VANIA LEVEILLE,
Senior Legislative Counsel.

□ 0930

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. FULCHER).

Mr. FULCHER. Mr. Speaker, there is no question that pregnant workers should be treated fairly and be provided with reasonable accommodations in the workforce. We are all in favor of commonsense guidelines to ensure this.

Serving as a subcommittee ranking member in the Education and Labor Committee, I had the opportunity to dive deeply into this bill and participate in the full committee markup.

While much of this law is redundant to the two laws that currently protect pregnant workers, I agree with many of the provisions in the bill, and it was substantially improved from the version introduced in 2019.

During our markup, I asked for an amendment to clarify one specific provision before lending my support. My provision singles out religious organizations by removing the exemption found in nearly every civil rights bill, including the Civil Rights Act.

Because each religion has its own unique customs, requirements, and traditions, it is not reasonable to mandate employment decisions that conflict with people's faith.

By not including this longstanding Civil Rights Act provision, H.R. 1065 is likely to create legal risk for religious organizations. Pregnancy-discrimination or pregnancy-accommodation laws in at least 16 States and the District of Columbia also include a provision similar to the Civil Rights Act religious organizations protection.

By adding a simple reference in H.R. 1065 to the Civil Rights Act, we can harmonize the bill with current law and ensure that religious organizations receive the same protections as outlined in the Civil Rights Act. This is the only reasonable thing to do.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia (Mrs. MCBATH), a member of the Education and Labor Committee.

Mrs. MCBATH. Mr. Speaker, I thank Chairman SCOTT for bringing this vital legislation to the floor.

The Pregnant Workers Fairness Act will ensure that no pregnant woman is unfairly forced out of their job or risk their health just simply to earn a paycheck. Our mothers deserve these Federal protections.

I believe that we all want to support our working mothers. Allowing these simple accommodations can make the

difference between being forced out of a job and providing a living for themselves and for their families.

Twenty-seven States have already passed laws that require certain employers to provide accommodations to pregnant women. It is time for Federal action to ensure that all pregnant women are protected from discrimination and can continue to support their families.

This legislation is supported by both women's health groups and the industry.

Mr. Speaker, I include in the RECORD a letter from major employers and leaders in the business community across the country that are voicing support for this legislation.

OPEN LETTER IN SUPPORT OF THE PREGNANT WORKERS FAIRNESS ACT FROM LEADING PRIVATE-SECTOR EMPLOYERS

MARCH 15, 2021.

DEAR MEMBERS OF CONGRESS: Women's labor force participation is critical to the strength of our companies, the growth of our economy and the financial security of most modern families. The private sector and our nation's elected leaders must work together to ensure that working women and families have the protections and opportunities they need to participate fully and equally in the workplace. Twenty-eight leading companies from across states and industries have come together in support of pregnant workers and their families by calling on Congress to pass H.R. 2694, the bipartisan Pregnant Workers Fairness Act, without delay.

More than 40 years ago, Congress passed the Pregnancy Discrimination Act of 1978, which made it illegal to discriminate against most working people on the basis of pregnancy, childbirth or related medical conditions. Since that time, 30 states and the District of Columbia now require certain employers to provide accommodations to pregnant employees at work. It's now time to clarify and strengthen existing federal protections for pregnant workers by passing the Pregnant Workers Fairness Act. This bill would ensure that pregnant workers who need reasonable accommodations can receive them and continue to do their jobs.

As a business community, we strive to create more equitable workplaces and better support pregnant workers and their families every day. We urge the passage of the Pregnant Workers Fairness Act as an important advancement toward ensuring the health, safety and productivity of our modern workforce—and the workforce of tomorrow.

Signed:

Adobe, San Jose, CA; Amalgamate Bank, New York, NY; AnitaB.org, Belmont, CA; BASF Corporation, Florham Park, NJ; Care.com, Inc., Waltham, MA; Chobani, Norwich, NY; Cigna Corp., Bloomfield, CT; Dow, Midland, MI; Expedia Group, Seattle, WA; Facebook, Menlo Park, CA; Gap Inc., San Francisco, CA; H&M USA, New York, NY; ICM Partners, Los Angeles, Ca.

J. Crew, New York, NY; Johnson & Johnson, New Brunswick, NJ; L'Oréal USA, New York, NY; Levi Strauss & Co., San Francisco, CA; Madewell, Long Island City, NY; Mastercard, Purchase, NY; Microsoft Corporation, Redmond, WA; Navient, LLC., Wilmington, DE; National Association of Manufactures, Washington, DC; Patagonia, Ventura, CA; Paypal, San Jose, CA; Postmates, San Francisco, CA.

Salesforce, San Francisco, CA; Society of Women Engineers, Chicago, IL; Spotify, New York, NY; Square, Inc., San Francisco, CA; Sun Life, Wellesley, MA; U.S. Women's Chamber of Commerce, Washington, DC.

The Sustainable Food Policy Alliance:

Danone North America, White Plains, NY; Mars Incorporated, McLean, VA; Nestlé USA, Arlington, VA; Unilever United States, Englewood Cliffs, NJ.

Mrs. MCBATH. Mr. Speaker, I urge all my colleagues to vote ''yes'' on this legislation.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. MCCLAIN).

Mrs. MCCLAIN. Mr. Speaker, I rise today in objection to the Pregnant Workers Fairness Act.

This bill was so close to being a bipartisan bill. In fact, I was ready to vote ''yes'' on it because, as the majority of people, I do not believe in discrimination. But at the very last minute, the majority had to throw in a provision to actually allow discrimination in a bill that is supposed to be about nondiscrimination—the very last minute.

Ranking Member FOXX offered an amendment to protect and not to discriminate against religious organizations.

Guess what the majority did?

They voted it down.

Remember, this is supposed to be a bill about not discriminating, yet we vote this down.

Although the bill sounds good, and as a woman—and I will say I am a woman—as a mother—and I am proud to be a mother—I was also pregnant and a worker. So I believe in fairness. I believe in nondiscrimination. I believe in protecting the rights of those individuals.

But let's stop playing games in Congress. Let's actually start protecting the people who need protection, and let's get to work.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the distinguished gentleman from Virginia for his kindness.

This has to pass today if we have any sense of fairness not only to women, but to our children.

The Pregnant Workers Fairness Act would establish that private-sector employers with more than 15 employees, and public-sector employers must make reasonable accommodations for pregnant employees, job applicants, and individuals with known limitations related to pregnancy, childbirth, or related medical conditions.

Pregnant workers and individuals with known limitations related to pregnancy, childbirth, or related medical conditions cannot be denied employment.

The Supreme Court decision, just recently, in 2015, that allowed pregnant workers to bring reasonable accommodation discrimination claims is not enough because pregnant workers are still being denied accommodations, because the Young decision set an unreasonably high standard for proving discrimination.

This is not discrimination. I have never seen a religious organization that wants to deny anyone any opportunity.

This is a fair assessment. I know it personally because I was denied a job because I was nursing. A job was taken away from me. When I was pregnant and was about to give birth, there was no definition of pregnancy leave for my position. At that time I was a lawyer, practicing law in a large firm, and it was, at best, two weeks and get back.

So I understand that this is essential for those workers in working conditions where they do not have the power to be protected, that they are doing heavy lifting, that they have physically demanding jobs, that they are the sole provider of their family.

This is important. Black and Latino women particularly suffer, minority women, particularly a burden.

Three in ten pregnant workers are employed in four of the occupations that make up the backbone of our communities. We must have this bill.

I ask my colleagues to support this legislation.

Mr. Speaker, I include in the RECORD a letter from the disabled community, mental health community, United Spinal Association, and others.

MAY 11, 2021.

Re Support for Pregnant Workers Fairness Act, H.R. 1065.

Hon. BOBBY SCOTT,
Chairman, Committee on Education and Labor, House of Representatives, Washington DC.
Hon. VIRGINIA FOXX,
Ranking Member, Committee on Education and Labor, House of Representatives, Washington DC.

DEAR CHAIRMAN SCOTT AND RANKING MEMBER FOXX: As co-chairs of the Consortium for Citizens with Disabilities (CCD) Rights Task Force, we write in strong support of the Pregnant Workers Fairness Act, H.R. 1065. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

The Americans with Disabilities Act (ADA)'s mandate that covered employers make reasonable accommodations to ensure equal opportunity for applicants and employees with disabilities has been tremendously important in helping people with disabilities secure and maintain employment. While the ADA does not cover pregnancy itself as a disability, in light of the ADA Amendments Act, which lowered the standard for demonstrating a disability from what the courts had previously applied, many pregnant workers who experience pregnancy-related complications should be covered as people with disabilities and entitled to reasonable accommodations under the ADA. Yet many courts have continued to interpret the ADA's coverage narrowly, and in practice, large numbers of pregnant workers are not offered reasonable accommodations. Furthermore, a clear pregnancy accommodation standard will help prevent pregnancy-related complications before they arise. Such accommodations should be provided to pregnant workers so that they can remain in the workforce and not lose their employment simply because they experience pregnancy-related limitations.

The accommodation requirement of H.R. 1065 is limited, as is the ADA's accommodation requirement, to those accommodations

that are reasonable and would not impose an undue hardship. That standard takes into account the needs of employers while also ensuring that pregnant workers can stay on the job with reasonable accommodations. This protection is critical not only for pregnant workers but for our national economy.

The Pregnant Workers Fairness Act is particularly important to people with disabilities. Many people with disabilities who did not require accommodations before becoming pregnant experience new complications due to how pregnancy impacts their disabilities, and need accommodations once they become pregnant. These workers are sometimes told that they are not entitled to accommodations because the employer views the need for accommodation as related to pregnancy rather than to the worker's underlying disability.

We thank the Committee for moving the bill forward and urge all members of the House of Representatives to vote for the Pregnant Workers Fairness Act and oppose any motion to recommit.

Sincerely,

JENNIFER MATHIS,
Bazelon Center for Mental Health Law.
STEPHEN LIEBERMAN,
United Spinal Association.
ALLISON NICHOL,
Epilepsy Foundation.
KELLY BUCKLAND,
National Council on Independent Living.
SAMANTHA CRANE,
Autistic Self Advocacy Network.
MOLLY BURGDORF,
The Arc of the United States.

Co-chairs, CCD Rights Task Force.

Ms. JACKSON LEE. Mr. Speaker, I include in the RECORD a letter representing organizations from Black Mamas Matter Alliance, to March of Dimes, to 1,000 Days to Academy of Nutrition and Dietetics.

MAY 11, 2021.

Re Support the Pregnant Workers Fairness Act.

DEAR REPRESENTATIVE: The undersigned organizations dedicated to assuring quality maternal, infant, and child health and wellbeing, improving pregnancy and birth outcomes, and closing racial disparities in maternal health enthusiastically support the Pregnant Workers Fairness Act (H.R. 1065). Modeled after the Americans with Disabilities Act, the bill would require employers to provide reasonable, temporary workplace accommodations to pregnant workers as long as the accommodation does not impose an undue hardship on the employer. This bill is critically important because no one should have to choose between having a healthy pregnancy and a paycheck.

Congress must do all it can to end the prejudice pregnant workers, especially Black pregnant workers and workers of color, continue to face in the workplace. This includes making sure when pregnant workers voice a need for reasonable accommodations that those needs are met rather than penalized and that the workplace is an environment where pregnant workers do not fear asking for the accommodations they need to maintain their health.

Three-quarters of women will be pregnant and employed at some point in their lives.) (Most pregnant workers can expect a routine pregnancy and healthy birth. However, health care professionals have consistently recommended that some pregnant individuals make adjustments in their work activities to sustain a healthy pregnancy and prevent adverse pregnancy outcomes, including preterm birth or miscarriage. These medically necessary workplace accommodations can include allowing additional bathroom breaks, opportunities to stay hydrated, lifting restrictions, or access to a chair or stool to decrease time spent standing.

Unfortunately, too many pregnant workers, particularly pregnant people of color, face barriers to incorporating even these small changes to their workdays. For example, Black women experience maternal mortality rates three to four times higher than white women, with Indigenous women similarly experiencing disproportionately high rates. The circumstances surrounding these alarming statistics can often be attributed to a lack of access to care, including due to inflexible workplaces, and deep biases in racial understanding. Various social determinants such as health, education, and economic status drastically influence the outcomes of pregnancy for Black women leading to severe pregnancy-related complications. As the Black Mamas Matter Alliance has pointed out ''Health is determined in part by our access to social and economic opportunities, the resources and supports that are available in the places where we live, and the safety of our workplaces . . . however, disparities in these conditions of daily life give some people better opportunities to be healthy than others.'' Black pregnant workers along with Latinx and immigrant women are disproportionately likely to work in physically demanding jobs that may lead to workers needing modest accommodations to ensure a healthy pregnancy. Too often, however, those requests are refused or ignored, forcing pregnant workers of color to disproportionately contend with unsafe working conditions.

Furthermore, Black mothers have among the highest labor force participation rates in the country and 80 percent of Black mothers are their family's primary breadwinner. Yet, historically, Black women have been exploited in the workplace, and that exploitation continues to this day. Though Black women only comprise 14.3 percent of the population, nearly thirty percent of pregnancy discrimination complaints are filed by Black women. This is because of the multiple forms of discrimination Black workers and other workers of color too often face in the workplace. As scholar Nina Banks has noted, ''The legacy of black women's employment in industries that lack worker protections has continued today since black women are concentrated in low-paying, inflexible service occupations . . .'' Black women in low wage jobs working during pregnancy face little support from employers when safeguards do not address pregnancy related accommodations. Faced with the threat of termination, loss of health insurance, or other benefits, Black pregnant people are often forced to keep working which can compromise their health and the health of their pregnancy.

Workplace accommodations help safeguard a healthy pregnancy or prevent harm to a higher-risk pregnancy. Across the country, pregnant workers continue to be denied simple, no-cost or lowcost, temporary adjustments in their work settings or activities and instead risk being fired or forced to take unpaid leave to preserve the health of their pregnancy.

This impossible choice forces many pregnant workers to continue working without accommodations, putting women and their pregnancies at risk of long-lasting and severe health consequences. When pregnant workers must continue working without accommodations, they risk miscarriage, excessive bleeding, and other devastating health consequences. Black women have the highest incidence of preterm birth and yet we know that workplace accommodations such as reducing heavy lifting, bending, or excessive standing can help prevent preterm birth, the leading cause of infant mortality in this country.

Black women also experience higher rates of preeclampsia, which is one of the leading causes of maternal mortality. We are still learning about how to prevent this dangerous medical condition, yet we know that simply allowing workers to take bathroom breaks can prevent urinary tract infections which are ''strongly associated with preeclampsia. Similarly, ensuring pregnant workers can drink a sufficient amount of water can also help pregnant workers maintain their blood pressure which is critically important since hypertensive disorders (high blood pressure) are also a leading cause of maternal morbidity and mortality. By putting a national pregnancy accommodation standard in place, the Pregnant Workers Fairness Act has the potential to improve some of the most serious health consequences Black pregnant people experience. Furthermore, the Pregnant Workers Fairness Act will help remove one of the many barriers Black pregnant people face at work by ensuring they are afforded immediate relief under the law, and not thrown into financial dire straits for needing pregnancy accommodations.

The Pregnant Workers Fairness Act is a measured approach to a serious problem. As organizations dedicated to maternal health and closing racial disparities in pregnancy and birth outcomes, we understand the importance of reasonable workplace accommodations to ensure that pregnant persons can continue to provide for their families and have safe and healthy pregnancies. We collectively urge swift passage of the Pregnant Workers Fairness Act.

Sincerely,

Black Mamas Matter Alliance; March of Dimes; National WIC Association; 1,000 Days; Academy of Nutrition and Dietetics; American Academy of Pediatrics; American College of Obstetricians and Gynecologists; Agricultural Justice Project; Ancient Song Doula Services; Association of Maternal & Child Health Programs; Baobab Birth Collective; Black Women's Health Imperative; Breastfeeding in Combat Boots.

California WIC Association; Centering Equity, Race & Cultural Literacy in Family Planning (CERCL-FP); Earth Action, Inc.; Farmworker and Landscaper Advocacy Project; Farmworker Association of Florida; Feminist Women's Health Center; First Focus Campaign for Children; Healthy Mothers, Healthy Babies Coalition of Georgia; Healthy Women; Human Rights Watch; Mom2Mom Global; NARAL Pro-Choice America.

National Association of Nurse Practitioners in Women's Health; National Birth Equity Collaborative; National Partnership for Women & Families; National Women's Health Network; Nebraska WIC Association; Nurse-Family Partnership; Physicians for Reproductive Health; Planned Parenthood Federation of America; Public Citizen, SisterReach; SisterSong National Women of Color Reproductive Justice Collective; U.S. Breastfeeding Committee; Workplace Fairness; Wisconsin WIC Association; ZERO TO THREE.

Ms. JACKSON LEE. Mr. Speaker, I include in the RECORD a letter from the YWCA dealing with 200 local organizations in 45 States.

YWCA USA,
Washington, DC, May 11, 2021.

DEAR REPRESENTATIVE: On behalf of YWCA USA, a network of over 200 local associations

in 45 states and the District of Columbia, I write today to urge you to pass the Pregnant Workers Fairness Act (H.R. 1065). As the economy continues to struggle under the weight of the COVID–19 pandemic disproportionately affecting women and marginalized communities, there is no better time to take action to improve the economic security of women and families and strengthen our economy. I urge you to pass H.R. 1065 without delay.

For over 160 years, YWCA has been on a mission to eliminate racism, empower women, and promote peace, justice, freedom, and dignity for all. From our earliest days providing skills and housing support to women entering the workforce in the 1850s, YWCA has been at the forefront of the most pressing social movements—from voting rights to civil rights, from affordable housing to pay equity, from violence prevention to health care reform. Today, we serve over 2 million women, girls and family members of all ages and backgrounds in more than 1,200 communities each year.

Informed by our extensive history, the expertise of our nationwide network, and our collective commitment to advocating for the equity of women and families, we believe that no one should have to choose between their livelihoods and their health, family, or safety. Yet far too many women and families, including a disproportionate number of women and families of color, must make this choice every day. This has become more clear as the effects of the COVID–19 pandemic become more transparent. The impact of the COVID–19 pandemic has fallen heavily on women and women of color. Women are especially likely to be essential workers, but they are also bearing the brunt of job losses, while shouldering increased caregiving responsibilities that have pushed millions out of the workforce entirely, resulting in an economic ''Shesession''. Black women, Latinas, and other women of color are especially likely to be on the front lines of the crisis, risking their lives in jobs in health care, child care, and grocery stores, all while being paid less than their male counterparts. Pregnant employees are no exception to this situation and often forced out of work or forced to risk their health due to unclear laws around pregnancy accommodations, particularly during the pandemic.

The bipartisan Pregnant Workers Fairness Act (H.R. 1065) takes critical steps to promote healthy pregnancies and support the economic security of pregnancy workers. Today, women are a primary source of financial support for many families and bear significant caretaking responsibilities at home. At least half of all households in the U.S. with children under the age of 18 have either a single mother who heads a household or a married mother who provides at least 40 percent of a family's earnings. Additionally, more than four in five Black mothers (81.1%), 67.1% of Native American mothers, and 52.5% of Latina mothers are breadwinners. As demographics shifts and a higher number of women take their place in the workforce, a higher number of pregnant workers than ever before are working later into their pregnancies, often in physically demanding jobs without worker accommodations. As a result, too many pregnant workers are pushed out into unpaid leave or out of work altogether, threatening their families' economic security just when they need the income the most. The Pregnant Workers Fairness Act would require employers to provide reasonable accommodations to pregnant workers who need them, such as avoiding heavy lifting, taking more frequent bathroom breaks, sitting on a stool instead of standing during a shift, or carrying a water bottle. States, localities, and businesses that have begun to adopt policies similar to those identified in the Pregnant Workers Fairness Act have reported reduced lawsuits and greater employee morale. Providing reasonable accommodations for pregnant women will benefit both the employer and employees.

No one should have to choose between their paycheck and a healthy pregnancy—an issue only to be exacerbated by the pandemic—and it's time Congress took action to protect pregnant workers. If passed, this bill would take critical steps towards strengthening women's economic security, particularly at a time when the country continues to recover from the COVID–19 pandemic. At this pivotal moment, Congress must take aggressive action to address the economic disparities disproportionately affecting women and women of color. We urge you to pass the Pregnant Workers Fairness Act (H.R 1065) today.

Thank you for your time and consideration. Please contact Pam Yuen, YWCA USA Director of Government Relations, if you have any questions.

Sincerely,

ELISHA RHODES,
Interim CEO & Chief Operating Officer.

Ms. JACKSON LEE. Mr. Speaker, women are in the workplace. They are the backbone of this economy. We need to pass this legislation and pass it now.

I thank Mr. SCOTT and Mr. NADLER for their leadership.

Mr. Speaker, as a senior member of the Judiciary, Homeland Security, and Budget Committees, the Democratic Working Women Task Force, the Founder and Co-Chair of the Congressional Children's Caucus, and as cosponsor, I rise in strong support of H.R. 1065, the Pregnant Workers Fairness Act (PWFA), which would ensure that pregnant workers can continue to do their jobs and support their families by requiring employers to make workplace adjustments for those workers who need them due to pregnancy, childbirth, and related medical conditions, like breastfeeding.

The Pregnant Workers Fairness Act would establish that private sector employers with more than 15 employees and public sector employers must make reasonable accommodations for pregnant employees, job applicants, and individuals with known limitations related to pregnancy, childbirth, or related medical conditions.

Similar to the Americans with Disabilities Act, employers are not required to make an accommodation if it imposes an undue hardship on an employer's business.

Pregnant workers and individuals with known limitations related to pregnancy, childbirth, or related medical conditions cannot be denied employment opportunities, retaliated against for requesting a reasonable accommodation, or forced to take paid or unpaid leave if another reasonable accommodation is available.

Workers denied a reasonable accommodation under the Pregnant Workers Fairness Act will have the same rights and remedies as those established under Title VII of the Civil Rights Act of 1964, including recovery of lost pay, compensatory damages, and reasonable attorneys' fees.

While the Pregnancy Discrimination Act (PDA) and the Americans with Disabilities Act (ADA) provide some protections for pregnant workers, there is currently no federal law that explicitly and affirmatively guarantees all pregnant workers the right to a reasonable accommodation so they can continue working without jeopardizing their pregnancy.

The Supreme Court's landmark decision in *Young* v. *United Parcel Service*, 575 U.S. —, No. 12–1226, 135 S.Ct. 1338; 191 L. Ed. 2d 279 (2015) allowed pregnant workers to bring reasonable accommodation discrimination claims under the PDA.

But pregnant workers are still being denied accommodations because the Young decision set an unreasonably high standard for proving discrimination, requiring workers to prove that their employers accommodated non-pregnant workers with similar limitations.

The fact is, Mr. Speaker, there are no similar conditions to pregnancy.

As a result, in two-thirds of cases after Young, courts ruled against pregnant workers who were seeking accommodations under the PDA.

Providing accommodations ensures that women can work safely while pregnant instead of getting pushed out of work at a time when they may need their income the most.

The Pregnant Workers Fairness Act is especially important considering that many pregnant workers hold physically demanding or hazardous jobs, and thus may be especially likely to need reasonable accommodations at some point during their pregnancy.

Mr. Speaker, research shows that pregnant workers are likely to hold jobs that involve standing and making continuous movements, which can raise specific challenges during pregnancy.

Such physically demanding work—including jobs that require prolonged standing, long work hours, irregular work schedules, heavy lifting, or high physical activity—carries an increased risk of pre-term delivery and low birth weight.

Twenty-one (20.9) percent of pregnant workers are employed in low-wage jobs, which are particularly likely to be physically demanding.

Pregnant black and Latina women are disproportionately represented in low-wage jobs, which means as a result, these workers are especially likely to stand, walk or run continuously during work, and therefore may be more likely to need an accommodation at some point during pregnancy to continue to work safely.

Three in ten pregnant workers are employed in four of the occupations that make up the backbone of our communities: elementary school teachers, nurses, and home health aides.

Employers can accommodate pregnant workers because pregnant women make up a small share of the workforce, even in the occupations where they are most likely to work, which means that only a very small share of an employer's workforce is likely to require pregnancy accommodations in any given year since less than two percent of all workers in the United States are pregnant each year.

Not all pregnant workers require any form of accommodation at work, so only a fraction of that small fraction will need accommodations.

For example, pregnant women are most likely to work as elementary and middle school teachers but only three percent (3.2 percent) of all elementary and middle school teachers are pregnant women.

But workers employed in four of the ten most common occupations for pregnant workers—retail salesperson; waiter or waitress;

nursing, psychiatric and home health aide; and cashier—who report continuously standing on the job would particularly benefit from this legislation.

Mr. Speaker, prolonged standing at work has been shown to more than triple the odds of pregnant women taking leave during pregnancy or becoming unemployed.

Another four of the ten most common occupations for pregnant workers—waiter or waitress; nursing, psychiatric and home health aide; cashier; and secretaries and administrative assistants—involve making repetitive motions continuously on the job which have been shown to increase the likelihood of pregnant women taking sick leave.

Pregnant workers in low-wage jobs are particularly in need of this legislation granting them the clear legal right to receive accommodations because, in addition to the physically demanding nature of their jobs, they often face inflexible workplace cultures that make it difficult to informally address pregnancy-related needs.

For instance, workplace flexibility—such as the ability to alter start and end times or take time off for a doctor's appointment—is extremely limited for workers in low-wage jobs.

Over 40 percent of full-time workers in low-wage jobs report that their employers do not permit them to decide when to take breaks; between two-thirds and three-quarters of full-time workers in low-wage jobs report that they are unable to choose their start and quit times; and roughly half report having very little or no control over the scheduling of hours more generally.

The second most common occupation for pregnant Latinas—maids and housekeeping cleaners—is especially physically demanding because, according to the data, 80 percent of maids and housekeeping cleaners stood continuously, 38 percent were exposed to disease daily, and 70 percent walked or ran continuously on the job.

Occupations that have seen the most growth among pregnant women in the past decade expose many workers to disease or infection daily; depending on the disease, this can pose particular challenges to some pregnant workers at some points during pregnancy.

When pregnant workers are exposed to some diseases, they face particular risks; pregnant women with rubella are at risk for miscarriage or stillbirth and their developing fetuses are at risk for severe birth defects.

Mr. Speaker, no one should have to choose between a paycheck and a healthy pregnancy, which is why they should have clear rights to reasonable accommodations on the job to ensure they are not forced off the job at the moment they can least afford it.

I urge all Members to join me in voting for H.R. 1065, the Pregnant Workers Fairness Act.

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Mr. Speaker, it amazes me that House Democrats are claiming to champion the cause of pregnant worker fairness when they are so radically anti-life.

How can Democrats claim to support fairness or champion pregnancy when they support taxpayer-funded abortion for any reason at any time on demand?

How can they claim this with a straight face when they minimize the sanctity of life and the family?

Democrats say they are pro-choice. So you would think they must at least be okay with the choice of some religious employers to object to helping their employees get an abortion and would provide an accommodation for religious reasons under this bill.

It would seem reasonable for someone who says they are pro-choice to support the notion that if someone gets an abortion, they can't force their employer to be part of this choice.

But Democrats refuse to allow language to protect religious freedom in this bill. The fact is, Democrats are only pro-choice when the choice is abortion, the taking of innocent human life.

Protections already exist for pregnant workers through the Pregnancy Discrimination Act and the Americans with Disabilities Act.

I oppose these additional heavy-handed regulations. I trust America's small business owners to treat their employees fairly. I honor the constitutional mandate that States should make their own healthcare policy.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in strong support of the Pregnant Workers Fairness Act, a bipartisan proposal that will finally secure clear protection for pregnant workers.

Pregnant women should not have to risk their lives on the job. Yet, too often, instead of offering accommodations routinely given to other employees, a pregnant worker risks termination, meaning she loses her paycheck and health insurance right when she needs them the most.

We know that COVID–19 has exacerbated health inequalities for women, especially women of color.

Before the pandemic, moms in the U.S. already struggled and died from pregnancy-related causes at the highest rate in the developed world, with Black moms dying three to four times the rate of their White peers.

Mr. Speaker, I include in the RECORD a letter on behalf of maternal health organizations who support putting a national pregnancy accommodation standard in place.

MAY 11, 2021.

Re Support the Pregnant Workers Fairness Act.

DEAR REPRESENTATIVE: The undersigned organizations dedicated to assuring quality maternal, infant, and child health and well-being, improving pregnancy and birth outcomes, and closing racial disparities in maternal health enthusiastically support the Pregnant Workers Fairness Act (H.R. 1065). Modeled after the Americans with Disabilities Act, the bill would require employers to provide reasonable, temporary workplace accommodations to pregnant workers as long as the accommodation does not impose an undue hardship on the employer. This bill is critically important because no one should have to choose between having a healthy pregnancy and a paycheck.

Congress must do all it can to end the prejudice pregnant workers, especially Black pregnant workers and workers of color, continue to face in the workplace. This includes making sure when pregnant workers voice a need for reasonable accommodations that those needs are met rather than penalized and that the workplace is an environment where pregnant workers do not fear asking for the accommodations they need to maintain their health.

Three-quarters of women will be pregnant and employed at some point in their lives. Most pregnant workers can expect a routine pregnancy and healthy birth. However, health care professionals have consistently recommended that some pregnant individuals make adjustments in their work activities to sustain a healthy pregnancy and prevent adverse pregnancy outcomes, including preterm birth or miscarriage. These medically necessary workplace accommodations can include allowing additional bathroom breaks, opportunities to stay hydrated, lifting restrictions, or access to a chair or stool to decrease time spent standing.

Unfortunately, too many pregnant workers, particularly pregnant people of color, face barriers to incorporating even these small changes to their workdays. For example, Black women experience maternal mortality rates three to four times higher than white women, with Indigenous women similarly experiencing disproportionately high rates. The circumstances surrounding these alarming statistics can often be attributed to a lack of access to care, including due to inflexible workplaces, and deep biases in racial understanding. Various social determinants such as health, education, and economic status drastically influence the outcomes of pregnancy for Black women leading to severe pregnancy-related complications. As the Black Mamas Matter Alliance has pointed out ''Health is determined in part by our access to social and economic opportunities, the resources and supports that are available in the places where we live, and the safety of our Workplaces . . . however, disparities in these conditions of daily life give some people better opportunities to be healthy than others. Black pregnant workers along with Latinx and immigrant women are disproportionately likely to work in physically demanding jobs that may lead to workers needing modest accommodations to ensure a healthy pregnancy. Too often, however, those requests are refused or ignored, forcing pregnant workers of color to disproportionately contend with unsafe working conditions.

Furthermore, Black mothers have among the highest labor force participation rates in the country and 80 percent of Black mothers are their family's primary breadwinner. Yet, historically, Black women have been exploited in the workplace, and that exploitation continues to this day. Though Black women only comprise 14.3 percent of the population, nearly thirty percent of pregnancy discrimination complaints are filed by Black women. This is because of the multiple forms of discrimination Black workers and other workers of color too often face in the workplace. As scholar Nina Banks has noted, ''The legacy of black women's employment in industries that lack worker protections has continued today since black women are concentrated in low-paying, inflexible service occupations . . .'' Black women in low wage jobs working during pregnancy face little support from employers when safeguards do not address pregnancy related accommodations. Faced with the threat of termination, loss of health insurance, or other benefits, Black pregnant people are often

forced to keep working which can compromise their health and the health of their pregnancy.

Workplace accommodations help safeguard a healthy pregnancy or prevent harm to a higher-risk pregnancy. Across the country, pregnant workers continue to be denied simple, no-cost or lowcost, temporary adjustments in their work settings or activities and instead risk being fired or forced to take unpaid leave to preserve the health of their pregnancy.

This impossible choice forces many pregnant workers to continue working without accommodations, putting women and their pregnancies at risk of long-lasting and severe health consequences. When pregnant workers must continue working without accommodations, they risk miscarriage, excessive bleeding, and other devastating health consequences. Black women have the highest incidence of preterm birth and yet we know that workplace accommodations such as reducing heavy lifting, bending, or excessive standing can help prevent preterm birth, the leading cause of infant mortality in this country.

Black women also experience higher rates of preeclampsia, which is one of the leading causes of maternal mortality. We are still learning about how to prevent this dangerous medical condition, yet we know that simply allowing workers to take bathroom breaks can prevent urinary tract infections which are ''strongly associated with preeclampsia.'' Similarly, ensuring pregnant workers can drink a sufficient amount of water can also help pregnant workers maintain their blood pressure, which is critically important since hypertensive disorders (high blood pressure) are also a leading cause of maternal morbidity and mortality. By putting a national pregnancy accommodation standard in place, the Pregnant Workers Fairness Act has the potential to improve some of the most serious health consequences Black pregnant people experience. Furthermore, the Pregnant Workers Fairness Act will help remove one of the many barriers Black pregnant people face at work by ensuring they are afforded immediate relief under the law, and not thrown into financial dire straits for needing pregnancy accommodations.

The Pregnant Workers Fairness Act is a measured approach to a serious problem. As organizations dedicated to maternal health and closing racial disparities in pregnancy and birth outcomes, we understand the importance of reasonable workplace accommodations to ensure that pregnant persons can continue to provide for their families and have safe and healthy pregnancies. We collectively urge swift passage of the Pregnant Workers Fairness Act.

Sincerely,

Black Mamas Matter Alliance; March of Dimes; National WIC Association; 1,000 Days; A Better Balance; Academy of Nutrition and Dietetics; American Academy of Pediatrics; American Civil Liberties Union; American College of Obstetricians and Gynecologists; Agricultural Justice Project; Ancient Song Doula Services; Association of Maternal & Child Health Programs; Baobab Birth Collective.

Black Women's Health Imperative; Breastfeeding in Combat Boots; California WIC Association; Centering Equity, Race & Cultural Literacy in Family Planning (CERCL-FP); Earth Action, Inc.; Farmworker and Landscaper Advocacy Project; Farmworker Association of Florida; Feminist Women's Health Center; First Focus Campaign for Children; Healthy Mothers, Healthy Babies Coalition of Georgia; Healthy Women; Human Rights Watch; Mom2Mom Global; NARAL Pro-Choice America.

National Association of Nurse Practitioners in Women's Health; National Birth Equity Collaborative; National Partnership for Women & Families; National Women's Health Network; National Women's Law Center; Nebraska WIC Association; Nurse-Family Partnership; Physicians for Reproductive Health; Planned Parenthood Federation of America; Public Citizen; SisterReach; SisterSong National Women of Color Reproductive Justice Collective; U.S. Breastfeeding Committee; Workplace Fairness; Wisconsin WIC Association; ZERO TO THREE.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the Pregnant Workers Fairness Act can improve some of the most serious health consequences Black pregnant women experience in the workplace.

Federal protections for pregnant workers are stuck in the 1950s. In 2021, it is past time for workplaces to accommodate our families and protect all pregnant workers. It is women and families who keep our economy and communities running.

Mr. Speaker, I urge my colleagues to vote ''yes.''

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Democrats claim it is not necessary to incorporate the religious organization protection from the Civil Rights Act in H.R. 1065 because the bill does not repeal that provision and it will still be effective if the bill becomes law. I strongly disagree.

H.R. 1065 will create legal jeopardy for religious organizations, as I have previously stated.

But for the sake of argument, let's assume the provision is superfluous. What would be the harm in including the Civil Rights Act provision in H.R. 1065?

At worst, the provision would be duplicative with the Civil Rights Act, causing no harm to workers or employers.

Let's remember that the Americans with Disabilities Act of 1990, better known as the ADA, includes a religious organization protection similar to the one in the Civil Rights Act of 1964. The ADA provision has caused no harm.

My conclusion is that the key sponsors of H.R. 1065 are saying the quiet part out loud in their opposition to the religious organization protection in the Civil Rights Act of 1964.

I have reached this conclusion because Democrats have also claimed that the Civil Rights Act provision is overinclusive, to begin with, and would provide too much protection in this instance.

Are Democrats saying that the existing Civil Rights Act protection for religious organizations should also be repealed?

Again, this is a provision that has been law for 56 years.

As I have stated previously, the long-standing Civil Rights Act religious organization protection should be added to H.R. 1065. At worst, it would do no harm. At best, it will prevent religious organizations from being required to violate their faith.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. KATKO), the lead cosponsor of this legislation.

Mr. KATKO. Mr. Speaker, I rise in strong support of the Pregnant Workers Fairness Act.

I was proud to join Chairman NADLER and Representatives Herrera Beutler, McBath, and Scott in introducing this important bipartisan bill.

This legislation addresses a seemingly simple issue that I have no doubt everyone in this Chamber agrees with. No mother or mother-to-be should have to choose between being a parent and keeping their job.

This commonsense notion is, unfortunately, not the reality in many places in the United States.

Before my home State of New York passed a law prohibiting discrimination against pregnant workers, I heard far too many stories of pregnant women facing discrimination in the workforce and having to choose between a healthy pregnancy and a paycheck.

There was Yvette, a single mother of three, who worked in the same grocery store for 11 years. Having suffered miscarriages in the past, she knew her pregnancy was high risk, and she gave her employer a doctor's note with a lifting restriction.

Instead, she was fired, despite the fact that an employee with a shoulder injury had been accommodated with lighter work.

□ 0945

She lost her health insurance and had to go on Medicaid. She and her family survived on food stamps and savings.

Then there was Hilda, an employee at a Dollar Tree who worked there for 3 years when she became pregnant. As her pregnancy progressed, it became painful to stand at the cash register for 8 hours to 10 hours at a time. Denied her request for a stool, she began to experience severe complications, including bleeding and premature labor pains, and was put on bed rest. With no paid leave, she and her family struggled to make ends meet.

These women and others who have been subject to similar discrimination in the workforce suffered an unthinkable physical and financial toll. The Pregnant Workers Fairness Act ensures that going forward, no woman will face this type of discrimination.

This bipartisan bill provides pregnant workers with an affirmative right to reasonable—and I stress the word ''reasonable''—accommodations in the workplace while creating a clear and navigable standard for employers to follow. These accommodations are minor, as simple as providing an employee with extra restroom breaks or a stool to sit on.

This bill is not a hiring statute and does not amend or eliminate existing religious freedom protections. The arguments against this bill made by

some Members of my own party are based on inaccuracies or wrongfully detract from the importance of this commonsense policy.

This bill is a product of extensive bipartisan negotiation and collaboration with advocates and the business community. Reflecting the widespread support for this legislation, the bill has received numerous endorsements from the business community, including the U.S. Chamber of Commerce, as well as over 180 women's health, labor, and civil rights organizations.

Mr. Speaker, I include in the RECORD a letter of support from a coalition of business groups, including the U.S. Chamber of Commerce, SHRM, and the National Retail Federation.

MAY 13, 2021.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: We urge Congress to pass H.R. 1065, the ''Pregnant Workers Fairness Act.'' This bill would provide pregnant employees with important workplace protections while also making sure employers have clear and flexible options to ensure pregnant employees can remain at work for as long as they wish.

The Pregnant Workers Fairness Act, as reported by the House Education and Labor Committee, is a balanced approach that clarifies an employer's obligation to accommodate the known limitations of employees and job applicants that accompany pregnancy. This legislation uses an interactive, reasonable accommodation process similar to the Americans with Disabilities Act and specifies a pregnant employee may take leave only after the employer and employee have exhausted the possibility of other reasonable accommodations.

This bipartisan bill is a strong reminder that through good faith negotiations, legislative solutions to important workplace questions and problems can be found. We believe that Congress should pass H.R. 1065 with no changes.

Sincerely,

Associated Builders and Contractors, BASF Corporation, College and University Professional Association for Human Resources, Dow, HR Policy Association, International Franchise Association, National Restaurant Association, National Retail Federation, pH-D Feminine Health, Retail Industry Leaders Association, Society for Human Resource Management, U.S. Chamber of Commerce.

Mr. KATKO. Fundamental protections for mothers and soon-to-be mothers in the workplace are long overdue. I strongly urge my colleagues to support this commonsense, critical legislation.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. MILLER).

Mrs. MILLER of Illinois. Mr. Speaker, I rise in opposition to H.R. 1065, the Pregnant Workers Fairness Act.

The policy choices we make here in Congress about labor should be made to support the family and our freedoms. This is because work, family, and freedom support and need each other. If one of these aspects is weakened, the whole chain is weakened as well.

The Federal Government is, once again, overreaching into our freedoms as Americans with this Pregnant Workers Fairness Act. Passing the PWFA means that a small business or religious organization could be forced to provide paid time off for an employee to have an abortion or other concerning procedures.

Instead of working to improve our systems to support families and the workplace, the Democrats are going after our First Amendment freedom of religion. Religious freedom is a bedrock principle of this country, and we must protect the ability of all Americans to act in accordance with their conscience. The Federal Government must never infringe on this sacred right.

Religious organizations should be allowed to make religiously based employment decisions, and States should be the leaders in this, not the Federal Government.

We have laws currently in place to protect discrimination in the workplace. The PWFA does not protect religious employers with the same protections contained in the Civil Rights Act of 1964. For these reasons and more, I oppose the Pregnant Workers Fairness Act.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 15 seconds to briefly respond to the fact that, first of all, this only applies to those employers with 15 workers or more. Furthermore, the Religious Freedom Restoration Act and First Amendment still apply. It is hard to imagine any religious objection to giving a pregnant worker water or an extra bathroom break, and there haven't been any complaints to the EEOC about the failure to do that.

At this time I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, pregnant women should never have to choose between maintaining a healthy pregnancy and their paycheck.

This critical bill will ensure that pregnant women get accommodations when they need them without facing discrimination and/or retaliation at work. It will especially help low-paid women—largely women of color and immigrants—working in jobs that require prolonged standing, long hours, irregular schedules, and heavy lifting or physical activity.

Many people can work just fine without accommodations through their pregnancy. However, some in physically demanding jobs need a temporary adjustment of their job duties and perhaps some rules during pregnancy so that they can continue to work and support their families.

The Pregnant Workers Fairness Act is long overdue, and we think that it is common sense.

Mr. Speaker, I include in the RECORD a letter from the Religious Action Center of Reform Judaism.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
Washington, DC, May 11, 2021.

DEAR MEMBER OF CONGRESS: I write on behalf of the Union for Reform Judaism, whose 850 congregations across North America encompass approximately 1.8 million Reform Jews, and the Central Conference of American Rabbis, whose membership includes more than 2,000 Reform rabbis, to express our support for the Pregnant Workers Fairness Act (H.R. 1065).

Over 40 years since the passage of the Pregnancy Discrimination Act in 1978, pregnant workers still face unjust barriers in the workplace. No worker should have to choose between their pregnancy and their family's financial security, yet due to the lack of explicit protections for pregnant workers needing onsite accommodations for medical or safety reasons, countless workers confront the agonizing choice between risking their health and facing forced leave, lost benefits, or possible termination.

As the inequitable impact of the pandemic has highlighted, People of Color are more likely to hold demanding, inflexible jobs where they face tradeoffs between their work and their health. Illegal pregnancy discrimination and denial of workplace accommodations, which disproportionately affect pregnant People of Color, contribute to the Black maternal health crisis and other forms of racial inequity.

The Pregnant Workers Fairness Act (PWFA) would mitigate these disparities by requiring employers to provide reasonable, temporary accommodations to pregnant workers so that they can remain in the workforce throughout their pregnancies. By requiring temporary adjustments similar to the accommodations employers already must provide through the Americans with Disabilities Act (ADA), pregnant workers would no longer be forced to choose between their pregnancies and their paychecks.

According to the ancient rabbis, workers should not be put in the position where they have ''to starve or afflict themselves in order to feed their children'' (Tosefta Bava Metzia 8:2). We are similarly taught that the fair treatment of all workers is a matter of tzedek, or justice. These moral imperatives guide our support for the bipartisan Pregnant Workers Fairness Act, and we strongly urge Congress to pass this bill to ameliorate the impact of discrimination against pregnant people in the workplace.

Sincerely,

BARBARA WEINSTEIN,
Director of the Commission on Social Action of Reform Judaism.

Ms. FOXX. I yield myself such time as I may consume.

Mr. Speaker, in their statements supporting H.R. 1065, Democrat Members have encouraged the House to follow the examples of States that have enacted pregnancy accommodation laws. However, the majority of these States have laws that include important protections for religious organizations.

At least 15 States and the District of Columbia have pregnancy discrimination, or pregnancy accommodation laws, that include a religious organization protection similar to section 702 of the Civil Rights Act. The States include Arkansas, Hawaii, Iowa, Maine, Nebraska, New Jersey, New York, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

Kentucky's pregnancy accommodation law, which was highlighted by a Democrat-invited witness at a hearing on the Pregnant Workers Fairness Act as a successful workable solution, includes a limited religious organization protection very similar to section 702

of the Civil Rights Act. Unfortunately, the bill before us today omits this needed provision.

If we are to follow the example of these States and recommendations from congressional testimony, then a provision protecting religious organizations should be added to H.R. 1065.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STEVENS), a member of the Committee on Education and Labor.

Ms. STEVENS. Mr. Speaker, just a few weeks ago, the Census reported that the U.S. population grew at its slowest rate since the Great Depression. Birth rates are falling for the sixth year in a row.

A recent Harvard Business Review study declared that the United States has the most family-hostile policies of any industrialized country in the world. This is a wake-up moment for us, and this is why H.R. 1065, the Pregnant Workers Fairness Act, couldn't be more important, particularly for the unheard, the suffering expectant mother who has to time when she can go to the bathroom.

I hear from teachers all across Michigan who explain this to me: the woman who is bleeding and bloating and wondering when she can check in with her doctor, and then being egregiously pushed out of the workplace.

We are talking about stools, we are talking about a place for a pregnant woman to sit in the workplace. That is why it is so joyous, Mr. Speaker, that this bill today is bipartisan.

Mr. Speaker, I include in the RECORD a letter in support of this legislation on behalf of the 1.4 million AFSCME workers.

AFSCME,
Washington, DC, May 11, 2021.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to support the Pregnant Workers Fairness Act (PWFA) (H.R. 1065). This legislation would ensure that pregnant workers get adequate accommodations when they need them without facing retaliation in the workplace. It also prevents employers from refusing to make reasonable accommodations for pregnant workers unless it poses an undue hardship on an employer.

More than four decades after Congress passed the Pregnancy Discrimination Act (PDA) of 1978, women still face inequality in the workplace when they become pregnant. While the PDA prohibits discrimination against employees based on pregnancy, childbirth or related medical conditions, pregnancy discrimination is still prevalent. In 2015, the Supreme Court ruled in Young v. UPS to allow pregnant workers to bring discrimination claims under the Pregnancy Discrimination Act (PDA) of 1978. The Young decision also set an unreasonably high standard for proving discrimination.

Research shows that 88 percent of first-time mothers worked during their last trimester. Employees who are pregnant are routinely denied water bottles, bathroom breaks, stools to sit on, and larger fitting uniforms to work in. Many of these hardships can lead to an increased risk of preterm delivery and low birth rate. In addition, for far too many working women, being pregnant can still mean losing a job, being denied a promotion, or not being hired in the first place. And, while women are the majority of the U.S. workforce, these realities perpetuate challenges that no employee should have to face.

H.R. 1065 is also important because many pregnant women are front-line workers who hold physically demanding or hazardous jobs. Now more than ever, pregnant women working on the front lines and deemed essential by their employers face the risk of getting sick because of the coronavirus pandemic. Many of them also lack access to paid sick leave forcing them to choose between a paycheck and their health. At no time should anyone ever be forced to choose between financial security and a healthy pregnancy especially during the coronavirus pandemic with countless women working on the front lines. While many states have adopted laws requiring reasonable accommodations, current federal law does not plainly state that workers have a right to ask for them to reduce pregnancy complications without jeopardizing their employment. Pregnant women's lives and livelihood are on the line when they cannot work safely. This bill is essential to promote gender equity, healthy pregnancies, children and family wellness, and the economic security of pregnant and parenting women over the course of their terms.

AFSCME strongly supports H.R. 1065 and urges you to vote for its passage.

Sincerely,

BAILEY K. CHILDERS,
Director of Federal Government Affairs.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate that the U.S. Chamber of Commerce worked with the Education and Labor Committee to make improvements to the Pregnant Workers Fairness Act. However, the Chamber does have few, if any, religious organizations as members. Therefore, it is understandable they would not take the position on protections for these organizations.

As Members of Congress, we should ensure that the legislation we consider is fair to all and does not infringe on fundamental rights.

The religious organization protection that I am advocating, which comes from the Civil Rights Act, will ensure religious organizations are not compelled to make decisions that violate their faith.

H.R. 1065 should include the religious organization protection from the Civil Rights Act, which would not detract from any of the provisions included in the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. NADLER), the chair of the House Judiciary Committee and sponsor of the legislation.

Mr. NADLER. Mr. Speaker, I thank Mr. KATKO for cosponsoring this bill.

For as long as women have been in the workforce, they have faced discrimination because of their sex, which is only amplified when a woman is pregnant. Pregnant workers are often passed over for promotions, forced out on leave, whether paid or unpaid, and sometimes even fired. As we have seen time and again, these policies disproportionately impact women of color and low-wage hourly workers.

We all agree that pregnancy is not a disability, but sometimes pregnant workers need an easy fix, such as a stool or an extra bathroom break, to stay on the job. These accommodations are short in duration, and typically cost very little to provide, but they can mean the difference between keeping your job or putting your pregnancy at risk.

Given the low cost of these accommodations, we must ask why so many employers are unwilling to provide them and keep their pregnant workers employed. The answer, unfortunately, is that for many employers, a pregnant employee embodies negative gender stereotypes regarding motherhood and pregnancy. Society still expects women to conform to stereotypical notions that to be a good parent, you must choose between pregnancy and work.

This harmful stereotype puts working women in an impossible position of having to choose between their family's health and their financial well-being. While pregnancy may create some known physical limitations, this choice between work and pregnancy is a fallacy and can be remedied with a reasonable accommodation. Despite repeated attempts by Congress over the years to address this persistent gender discrimination, many employers still view pregnancy and work as incompatible.

Current law continues to allow employers to simply force most pregnant workers out on leave rather than even considering providing an accommodation. The Americans with Disabilities Act does require employers to accommodate a pregnant worker if her work limitations rise to the disability impacting one or more major life functions. Women who have limitations that do not rise to this level are not protected under the ADA, which was not designed to address pregnancy-related gender discrimination.

Furthermore, the courts have hamstrung other attempts by Congress to address pregnancy-related gender discrimination. Courts have interpreted the Pregnancy Discrimination Act to only require employers to provide an accommodation if they also accommodate nonpregnant employees similar in their ability or inability to work and employed in similar working conditions.

In order to prove discrimination, pregnant women must have perfect and complete employment and medical histories for every other employee in their workplace. It is obviously nearly impossible for employees to have that information, as evidenced by the fact that in over two-thirds of cases, courts have sided with employers who denied a pregnant worker accommodation.

Current law lets women fall through the cracks in every sector of our economy, including the public sector. Take, for example, the story of Devyn Williams, a correctional officer trainee with the Alabama Department of Corrections. From the moment Ms. Williams told her employer she was pregnant, they started a campaign to fire her.

□ 1000

When she presented a note from her doctor requesting to be excused from a monthly physical training session during her pregnancy, the State fired her. Her employer actually wrote an email stating that her doctor's note gave them grounds to dismiss Ms. Williams.

Even with that email in her possession, Ms. Williams is still litigating her case 5 years later. No one should have to go to Federal court to get a simple accommodation to safely stay on the job while pregnant.

The bipartisan Pregnant Workers Fairness Act before us today will close this gap in the law and create an affirmative right to accommodation for all pregnant workers. Using the familiar language of the ADA as a framework, the bill requires employers to provide reasonable accommodations to pregnant workers as long as the accommodation does not impose an undue hardship on the employer.

Courts know exactly how to interpret that language.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. NADLER. Employers know exactly what their responsibilities will be. But most importantly, women will have the certainty they can safely stay on the job.

That is why 30 States have passed pregnancy accommodation laws similar to the PWFA and over 200 business, civil rights, health, and labor organizations support the bill.

Mr. Speaker, I include in the RECORD letters of support from two of those organizations, A Better Balance and the National Women's Law Center.

MAY 11, 2021.

Re The Pregnant Workers Fairness Act (H.R. 1065).

DEAR REPRESENTATIVE: On behalf of A Better Balance, I write to express our strong support for the Pregnant Workers Fairness Act (''PWFA''; H.R. 1065). This legislation will ensure pregnant workers, particularly low-income workers and women of color, are not forced to choose between their paycheck and a healthy pregnancy. The bill will require employers to provide reasonable accommodations for pregnant workers unless doing so would impose an undue hardship on the employer, similar to the accommodation standard already in place for workers with disabilities.

Forty-two years after the passage of the Pregnancy Discrimination Act, pregnant workers still face rampant discrimination on the job and treatment as second-class citizens, as I explained in detail in my Congressional testimony before the House Education & Labor Committee in March 2021 and October 2019, as well as in A Better Balance's May 2019 report, Long Overdue. We urge you to support healthy pregnancies, protect pregnant workers' livelihoods, and end the systemic devaluation of women of color and vote YES on the Pregnant Workers Fairness Act.

A Better Balance is a national non-profit legal organization that advances justice for workers so they can care for themselves and their loved ones without sacrificing their economic security. Since our founding, we have seen day in and day out the injustices that pregnant workers continue to face because they need modest, temporary pregnancy accommodations and have led the movement at the federal, state, and local level to ensure pregnant workers can receive the accommodations they need to remain healthy and working. As I wrote in my 2012 Op-Ed in The New York Times ''Pregnant and Pushed Out of Job,'' which sparked the PWFA's introduction in Congress, ''[Gaps in our civil rights laws leave this enormous class without the right to the modest accommodations that would protect them.'' As a result, ''for many women, a choice between working under unhealthy conditions and not working is no choice at all.''

We founded A Better Balance 15 years ago because we recognized that a lack of fair and supportive work-family laws and policies—the ''care crisis''—was disproportionately harming women, especially Black and Latina mothers, in low-wage jobs. As I recently shared before Congress, ''This bias and inflexibility often kicks in when women become pregnant and then snowballs into lasting economic disadvantage. We call this the 'pregnancy penalty'—and since day one, A Better Balance has recognized it as a key barrier to gender equality in America.''

Through our free, national legal helpline, we have spoken with thousands of pregnant workers, disproportionately women of color, who have been fired or forced on to unpaid leave for needing accommodations, often stripping them of their health insurance when they need it most, driving them into poverty, and at times, even homelessness. Other women we have assisted were denied accommodations but needed to keep working to support themselves and their families and faced devastating health consequences, including miscarriage, preterm birth, birth complications, and other maternal health effects.

In the past year alone, we have heard from women across the country who continue to face termination or are forced out for needing pregnancy accommodations, in situations often exacerbated by the pandemic and economic crisis. Tesia, a retail store employee from Missouri called us in 2020 after she was forced to quit her job because her employer refused to let her carry a water bottle on the retail floor even though she was experiencing severe dehydration due to hot temperatures in the store this summer. A massage therapist from Pennsylvania called us in June 2020 requesting to return to work on a part-time basis on the advice of her OB-GYN after experiencing cramping in her uterus. Her employer responded that they would not accommodate her and cut off all communication with her after that, forcing her out of work just three months before she was due to give birth. A nurse we spoke with from Pennsylvania who was six months pregnant requested to avoid assignment to the COVID–19 unit. Though her hospital was not overwhelmed by the pandemic at that time, had many empty beds, and other workers were being sent home, her employer refused her request and made heartless comments mocking her need for accommodation. She decided not to jeopardize her health and lost pay for missing those shifts as a result. She also worried about being called to the COVID unit shift constantly. Without the law on their side, these women had little legal recourse because they lived in a state without a state-level pregnant workers fairness law.

Although the pandemic has shined a spotlight on these issues, the stories we heard in 2020 are in many ways similar to those we've been hearing for over a decade. ln 2012, Armanda Legros was forced out of her job at an armored truck company because her employer would not accommodate her lifting restriction. Without an income, she struggled to feed her newborn and young child. As she told the Senate Health, Education, Labor, and Pensions committee in a hearing in 2014, ''Once my baby arrived just putting food on the table for him and my four-year-old was a challenge. I was forced to use water in his cereal at times because I could not afford milk.'' The need for the Pregnant Workers Fairness Act preceded our current public health crisis and will remain in place beyond the pandemic, until the law is passed.

CURRENT FEDERAL LAW IS FAILING PREGNANT WORKERS: THE PREGNANT WORKERS FAIRNESS ACT IS THE SOLUTION

Gaps in federal law, namely the Pregnancy Discrimination Act (PDA) and Americans with Disabilities Act (ADA), mean many pregnant workers in need of accommodation are without legal protection in states that do not have statewide PWFA protections. As we explained in our report Long Overdue, ''[w]hile the PDA bans pregnancy discrimination, it requires employers to make accommodations only if they accommodate other workers, or if an employee unearths evidence of discrimination. The Americans with Disabilities Act requires employers to provide reasonable accommodations to workers with disabilities, which can include some pregnancy-related disabilities. However, pregnancy itself is not a disability, leaving a gap wherein many employers are in no way obligated to accommodate pregnant workers in need of immediate relief to stay healthy and on the job.''

Original analysis we conducted for Long Overdue found that even though the 2015 Supreme Court Young v. UPS case set a new legal standard for evaluating pregnancy accommodation cases under the Pregnancy Discrimination Act, in two-thirds of cases decided since Young, employers were permitted to deny pregnant workers accommodations under the Pregnancy Discrimination Act. As I shared in my recent testimony, women are continuing to lose their cases because of this uniquely burdensome standard.

That statistic, as devastating as it is, does not account for the vast majority of pregnant workers who do not have the resources to vindicate their rights in court. Beyond being resource strapped, most pregnant workers we hear from do not have the desire to engage in time-consuming and stressful litigation. They want to be able to receive an accommodation so they can continue working at the jobs they care about while maintaining a healthy pregnancy.

The Americans with Disabilities Act is also inadequate for pregnant workers for two reasons. First, because pregnancy is not itself a disability under current disability law, a pregnant worker who has no complications but seeks an accommodation in order to avoid a complication, will not be able to get an accommodation under the Americans with Disabilities Act. Second, even though Congress expanded the Americans with Disabilities Act in 2008, courts have interpreted the ADA Amendments Act in a way that did

little to expand coverage even for those pregnant workers with serious health complications. As one court concluded in 2018, ''Although the 2008 amendments broadened the ADA 's definition of disability, these changes only have had a modest impact when applied to pregnancy-related conditions.''

THE PREGNANT WORKERS FAIRNESS ACT IS A CRITICAL ECONOMIC SECURITY, MATERNAL HEALTH, AND RACIAL JUSTICE MEASURE

Pregnant workers who are fired or forced on to unpaid leave for needing accommodations face significant economic hardship. In addition to losing their livelihood, many of these workers lose their health benefits at a time when they need them most, forcing them to switch providers, delay medical care, or face staggering health care costs associated with pregnancy and childbirth. Many workers must use up saved paid or unpaid leave they had hoped to reserve to recover from childbirth. We worked with one woman who was eight months pregnant and whose hours were cut after she needed an accommodation which meant she also lost her health insurance. As a result, she asked her doctor if they could induce her labor early, despite the health risks in doing so, so that she would not be left facing exorbitant medical bills. In the long term, being pushed out for needing pregnancy accommodations also exacerbates the gender wage gap, as it means not only a loss of pay, but also losing out on many types of benefits such as 401K and retirement contributions, social security contributions, pensions, as well as opportunities for promotion and growth.

To be clear, most pregnant workers may not need accommodations. However, for those who do, reasonable accommodations can avert significant health risks. For instance, in a Health Impact Assessment of state level pregnant workers fairness legislation, the Louisville, Kentucky Department of Public Health and Wellness concluded, ''Accommodating pregnant workers, upon their request, is critical for reducing poor health outcomes . . . Improving birth outcomes makes a sustainable impact for a lifetime of better health.'' The report noted that those poor health outcomes can include miscarriage, preterm birth, low birth weight, preeclampsia (a serious condition and leading cause of maternal mortality), among other issues. According to the March of Dimes, in the U.S., nearly 1 in 10 babies are born pre-term and the preterm birth rate among Black women is nearly fifty percent higher than it is for all other women. Preterm birth/low birthweight is a leading cause of infant mortality in America. The Pregnant Workers Fairness Act is a key measure to reduce poor maternal and infant health outcomes.

Pregnancy accommodations are also a key solution, among many, needed to address the Black maternal and infant health crisis. Systemic racism has led to the shameful reality that Black women in this country are three to four times likelier to die from pregnancy-related causes than white women, and Black babies are more than two times as likely to die in the first year of life than white babies. At the same time, we know Black women also face devastating health consequences when they are unable to obtain needed pregnancy accommodations to maintain their health and the health of their pregnancies. When Tasha Mureil, a Black woman who worked at a warehouse in Tennessee, received a doctor's note saying she needed a lifting restriction and complained of extreme stomach pain, she was forced to continue lifting on the job. One day, she told a supervisor she was in pain and asked to leave early. Her manager said no. Tragically, she had a miscarriage the next day. Tasha was not alone. Three more of her coworkers, also Black, miscarried after supervisors dismissed their requests for reprieve from heavy lifting. As Cherisse Scott, CEO of Memphis-based SisterReach, explained ''It doesn't surprise me that this is the culture of that workplace. I think it's important to look at the fact that since we arrived here in chains, we [Black women] were regarded as producers to fuel a labor force that couldn't care less for us . . .'' The Pregnant Workers Fairness Act will ensure pregnant workers and their health are valued and that Black mothers, especially, are not treated as expendable on the job.

THE PREGNANT WORKERS FAIRNESS ACT IS A BIPARTISAN BILL THAT HAS THE SUPPORT OF THIS COUNTRY'S LARGEST BUSINESS GROUPS

The Pregnant Workers Fairness Act is not a partisan bill. Not only does it have strong bipartisan support in Congress, but thirty states and five cities including Tennessee, Kentucky, South Carolina, West Virginia, Illinois, Nebraska, and Utah already have laws requiring employers to provide accommodations for pregnant employees. All of the laws passed in recent years are highly similar to the federal legislation, and all passed with bipartisan, and often unanimous, support.'' Many, including Tennessee's and Kentucky's, were championed by Republican legislators.

Pregnant workers are a vital part of our economy. Three-quarters of women will be both pregnant and employed at some point during their lives'' Ensuring pregnant workers can remain healthy and attached to the workforce is an issue of critical importance, especially as this country faces a devastating economic crisis. That is why leading business groups like the U.S. Chamber of Commerce, Society for Human Resources Management, many major corporations, and local chambers around the country including, Greater Louisville Inc., one of Kentucky's leading chambers of commerce, support this measure. The PWFA will provide much needed clarity in the law which will lead to informal and upfront resolutions between employers and employees and help prevent problems before they start. Furthermore, accommodations are short term and low cost. The Pregnant Workers Fairness Act will help employers retain valuable employees and reduce high turnover and training costs. The reasonable accommodation framework is also borrowed from the American with Disabilities Act framework so employers are already familiar with the standard. Furthermore, keeping pregnant workers employed saves taxpayers money in the form of unemployment insurance and other public benefits.

THE PREGNANT WORKERS FAIRNESS ACT USES A FAMILIAR FRAMEWORK THAT PROVIDES KEY PROTECTIONS TO PREGNANT WORKERS AND CLARITY TO EMPLOYERS

The Pregnant Workers Fairness Act has several key provisions that will address the inequality pregnant workers continue to face at work. Employers, including private employers with fifteen or more employees, will be required to provide reasonable accommodations to qualified employees absent undue hardship on the employer. Both the term ''reasonable accommodation'' and ''undue hardship'' have the same definition as outlined in the American with Disabilities Act. Similar to the Americans with Disabilities Act, employers and employees will engage in an interactive process in order to determine an appropriate accommodation. In order to prevent employers from pushing pregnant employees out on leave when they need an accommodation, the bill specifies that an employer cannot require a pregnant employee to take leave if another reasonable accommodation can be provided. The bill also includes clear anti-retaliation language such that employers cannot punish pregnant workers for requesting or using an accommodation. This is critical as many pregnant workers often do not ask for accommodations because they are afraid they will face repercussions for requesting or needing an accommodation.

Critically, the Pregnant Workers Fairness Act is also very clear that a pregnant worker need not have a disability as defined by the Americans with Disabilities Act in order to merit accommodations under the law. Rather, the bill indicates that pregnant workers with ''known limitations related to pregnancy, childbirth, and related medical conditions'' are entitled to reasonable accommodations. ''Known limitations'' is defined as a ''physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability'' as set forth in the Americans with Disabilities Act. This addresses the two challenges with the ADA outlined above.

Now, more than ever, the Pregnant Workers Fairness Act is an urgent maternal health, racial justice, and economic security measure to keep pregnant workers healthy and earning a paycheck. We cannot delay justice and fairness for pregnant workers any longer. For the sake of this country's pregnant workers and our nation's families, we implore Congress to put aside its many differences and pass this legislation with a strong bipartisan vote. We ask every Member of Congress to vote YES on the Pregnant Workers Fairness Act. It is long overdue.

Sincerely,

DINA BAKST,
Co-Founder & Co-President,
A Better Balance.

MAY 11, 2021.

DEAR MEMBER OF CONGRESS: On behalf of the National Women's Law Center, we urge you to pass the Pregnant Workers Fairness Act (H.R. 1065). The National Women's Law Center (''the Center'') has worked for nearly 50 years to advance and protect women's equality and opportunity—and since its founding has fought for the rights of pregnant women in the workplace. For the last nine years, the Center has been a leader in advocating for the Pregnant Workers Fairness Act, and for pregnancy accommodation protections in states across the country. We are eager to build on the momentum from September 2020, when the bill passed with overwhelming bipartisan support in the House, 329–73.

The Pregnant Workers Fairness Act would clarify the law for employers and employees alike, requiring employers to make reasonable accommodations for limitations arising out of pregnancy, childbirth, and related medical conditions, just as they already do for disabilities. Providing accommodations ensures that women can work safely while pregnant instead of being pushed out of work at a time when their families need their income the most.

Even before the COVID–19 pandemic, pregnant workers were all too often denied medically needed accommodations—including simple accommodations like a stool to sit on during a long shift or a bottle of water at a workstation. COVID–19 has only increased the need for clarity regarding employers' obligations to provide accommodations for pregnant workers. COVID–19 poses grave risks for pregnant workers, who are urgently seeking, and far too often being denied, accommodations like proper personal protective equipment, telework, moving to a less

crowded work area or changing start times so as not to risk riding public transit during peak hours. The Pregnant Workers Fairness Act uses an already-familiar framework modeled on the Americans with Disabilities Act (ADA) to ensure that when such a request is made, employers and employees can engage in an interactive process to determine whether the employee's pregnancy related limitations can be reasonably accommodated without an undue hardship to the employer. This will help ensure that employees are not forced to choose between a paycheck and a healthy pregnancy.

The Pregnant Workers Fairness Act will close gaps and clarify ambiguities in the law that have left too many pregnant workers unprotected for too long. The Pregnancy Discrimination Act (PDA), passed in 1978, guarantees the right not to be treated adversely at work because of pregnancy, childbirth, or related medical conditions, and the right to be treated at least as well as other employees ''not so affected but similar in their ability or inability to work.'' Unfortunately, many courts interpreted the PDA narrowly and allowed employers to refuse to accommodate workers with medical needs arising out of pregnancy, even when they routinely accommodated other physical limitations. In Young v. UPS, the Supreme Court held that when an employer accommodates workers who are similar to pregnant workers in their ability to work, it cannot refuse to accommodate pregnant workers who need it simply because it ''is more expensive or less convenient'' to accommodate pregnant women too. The Young decision was an important victory for pregnant workers, but the standard it set out still left many important questions unanswered and created uncertainty for employers and employees about when exactly the PDA requires pregnancy accommodations. In addition, the Americans with Disabilities Act (ADA) requires employers to make reasonable accommodations for employees with disabilities. However, courts have consistently held that pregnancy is not a disability. The Pregnant Workers Fairness Act would fill the holes left in these protections with a common-ground and commonsense approach that ensures pregnant workers are accommodated when the accommodations they need are reasonable and do not pose an undue hardship to employers.

Accommodating pregnant workers is not only good for working women and families, it is good for business. Moreover, today, women make up about half the workforce. More women are continuing to work while they are pregnant, through later stages of pregnancy. For example, two-thirds of women who had their first child between 2006 and 2008 worked during pregnancy, and 88 percent of these first-time mothers worked into their last trimester. When employers accommodate pregnant workers, businesses reap the benefits of avoiding the costs of turnover and keeping experienced employees on the job. And since pregnancy is temporary, pregnancy accommodations are, by definition, short-term; many of these accommodations are low and no cost.

The time is now to pass the Pregnant Workers Fairness Act. Thirty states and the District of Columbia have enacted provisions explicitly granting pregnant employees the right to accommodations at work, from Massachusetts, New York, and California, to South Carolina, Utah, Nebraska, West Virginia, and Tennessee. Millions of pregnant workers have benefitted from these protections, but a pregnant employee's ability to work safely should not depend on where she lives.

We strongly urge you to support pregnant workers by voting for the Pregnant Workers Fairness Act.

Sincerely,

EMILY J. MARTIN,
Vice President for Education & Workplace, Justice National Women's Law Center.

Mr. NADLER. Mr. Speaker, that is why, last Congress, the House passed identical legislation with an overwhelming bipartisan vote. But as the economy reopens, the problem persists. The House must act again to pass this bill, and the Senate must take it up.

Providing reasonable accommodations to pregnant workers helps businesses, workers, and families. Passing this bill is long overdue, and I urge a ''yes'' vote.

Ms. FOXX. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 14 minutes remaining. The gentleman from Virginia has 9¾ minutes remaining.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1¼ minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, you might notice a little smile on my face. Honestly, as I was walking over here to speak on the bill, I was reflecting on my own life as a father.

I have five children. When two of my children were little, my wife was away from the house, and I was to meet her somewhere. One needed their diaper changed, and then I had to feed the other. By the time I did that, the other diaper had to be changed. My wife called me, and she said: ''You can't get out of the house, can you?''

Mr. Speaker, pregnancy and motherhood, of course, bring joy and unique challenges and call from all of us a higher sense of duty.

My wife carried my children in their earliest formation, and I carried that burden and opportunity to give them life in other ways. But if we can see pregnancy as a part of community, a journey of life for our good, the good of all, and the good of our Nation, then we accept that it requires reasonable accommodation at work when someone is pregnant, when they are giving life to their child, or if they have necessarily hard conditions. It is only the right thing to do, especially for those who are suffering.

Now, as I have been listening to this debate, a concern has been raised about civil rights and religious organizations, considerations I am surprised that haven't been worked out before now. But let's keep working on that and pass this important bill.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, being able to bear children is a great gift, and I am very pleased that God gave me that opportunity.

I would like to address the claim that the Civil Rights Act's protection for religious organizations is not needed in H.R. 1065 because these employers could raise the Religious Freedom Restoration Act, RFRA, as a defense to a lawsuit.

However, RFRA does not provide the same protections for religious organizations as the Civil Rights Act. In fact, RFRA's provisions are much narrower than the protection for religious organizations in the Civil Rights Act.

Moreover, RFRA defenses are difficult to win in court. Indeed, more than 80 percent of the time, courts rule in favor of the government and against the person seeking protection under RFRA.

The claim that the Civil Rights Act's longstanding religious organization protection does not need to be incorporated in H.R. 1065 because of RFRA is not persuasive. Indeed, the protection should be added to the bill to ensure it does not infringe on religious freedoms.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I include in the RECORD a letter from dozens of religious organizations, including the Catholic Labor Network, Jewish Women International, National Council of Churches, Union for Reform Judaism, and United Church of Christ, Justice and Witness Ministries in support of the legislation as it is.

DEAR REPRESENTATIVE: On behalf of the undersigned religious and faith-based organizations representing a diversity of faith traditions and communities across the nation, we write today in support of healthy workplace environments and conditions for pregnant workers. We urge you to pass the Pregnant Workers Fairness Act (H.R. 1065). People of faith across the ideological spectrum understand that prioritizing the health and safety of pregnant workers should not be a partisan issue. The Pregnant Workers Fairness Act would ensure that pregnant workers can continue safely working to support their families during a pregnancy. The bill requires employers to make the same sort of accommodations for pregnant workers as are already in place for workers with disabilities.

Our faith traditions affirm the dignity of pregnant individuals and the moral imperative of ensuring their safety. We also affirm the dignity of work and the obligation to treat workers justly. It is immoral for an employer to force a worker to choose between a healthy pregnancy and earning a living. By passing the bipartisan Pregnant Workers Fairness Act (H.R. 1065), Congress will ensure that workers who are pregnant will be treated fairly in the workforce and can continue earning income to support themselves and their families. Efforts to distract from the central goal of ensuring pregnant workers can maintain their health and the health of their pregnancies by inserting unnecessary, harmful, and politically divisive language into this bill undermines our obligation to protect pregnant workers across our country.

While many pregnant individuals continue working throughout their pregnancies without incident, there are instances when minor accommodations are necessary at the workplace to ensure the safety of the expecting mother and the baby. All too often, requests for simple workplace accommodations like a

stool to sit, a water bottle, or a bathroom break are denied. Within the COVID–19 context, such critical accommodations might include proper protective equipment, telework, or staggered work schedules that offer employees commute times which avoid crowded public transportation and increased exposure. Currently, pregnant workers may continue to work without necessary accommodations because they fear losing their jobs and need the income, thus endangering their health or the health of their pregnancy. Without these protections, it is not uncommon for pregnant workers to be let go or forced out onto unpaid leave for requesting accommodations. Many others must quit their job to avoid risking the health of their pregnancy.

Passing the Pregnant Workers Fairness Act is a moral and economic imperative; two-thirds of women who had their first child between 2006 and 2008, the last year for which data is available, worked during pregnancy, and 88 percent of these first-time mothers worked into their last trimester. Keeping these women healthy and in the workforce is paramount to family economic security. In 2020, 77.5 percent of mothers with children under age 6 worked full time, and that number goes up to 81.2 percent for employed mothers with children ages 6 to 17. Millions of families rely on their earnings. In 2019, the last year for which data is available, 41 percent of mothers were the sole or primary breadwinners in their families, while 24.8 percent of mothers were co-breadwinners. Whole families suffer when pregnant workers are forced out of a job.

The undersigned religious and faith-based groups are united in support of the Pregnant Workers Fairness Act. We strongly urge you to vote for the Pregnant Workers Fairness Act.

Sincerely, the undersigned:

Ameinu, Arizona Jews for Justice, Aytzim: Ecological Judaism, Bend the Arc: Jewish Action, Catholic Labor Network, Church World Service, Columban Center for Advocacy and Outreach, Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces, Faith Action Network, Faith Action Network—Washington State.

Franciscan Action Network, Friends Committee on National Legislation, Jewish Alliance for Law and Social Action, Jewish Family & Children's Service of Greater Boston, Jewish Women International, Justice Revival, Keshet, Leadership Conference of Women Religious, National Advocacy Center of the Sisters of the Good Shepherd, National Coalition Against Domestic Violence.

National Council of Churches, National Council of Jewish Women, NETWORK Lobby for Catholic Social Justice, Network of Jewish Human Service Agencies, Pax Christi USA, T'ruah: The Rabbinic Call for Human Rights, Union for Reform Judaism, United Church of Christ, Justice and Witness Ministries, Uri L'Tzedek.

MAY 11, 2021.

FAITH LEADER STATEMENTS. OF SUPPORT FOR PREGNANT WORKERS FAIRNESS ACT

''The Union for Reform Judaism is proud to support the Pregnant Workers Fairness Act. According to the ancient rabbis, workers should not be put in the position where they have ''to starve or afflict themselves in order to feed their children'' (Tosefta Bava Metzia 8:2). With reasonable workplace accommodations, pregnant workers can keep earning a livelihood while protecting their health, so no worker faces the agonizing choice between a healthy pregnancy and their family's financial security. As the inequitable impact of the pandemic has highlighted, People of Color are more likely to hold demanding, inflexible jobs where they face tradeoffs between their work and their health. Illegal pregnancy discrimination and denial of workplace accommodations, which disproportionately affect pregnant People of Color, contribute to the Black maternal health crisis and other forms of racial inequity. Congress must protect expectant parents and pass the Pregnant Workers Fairness Act, which will help to mitigate the racial and economic injustices that pregnancy discrimination perpetuates.''—Rabbi Jonah Dov Pesner, Director, Religious Action Center of Reform Judaism

NETWORK Lobby for Catholic Social Justice urges all members of the House of Representatives to vote yes on the Pregnant Workers Fairness Act (PWFA). In just the fall of 2020, this critical legislation received more than 300 affirmative votes in the House and now is the time to show the same overwhelming support for pregnant workers. This common sense, bipartisan legislation is faithful to the principles of Catholic Social Teaching—and the dignity of the human person in particular—by caring for the health and economic security of pregnant people and their families. Forcing workers to choose between a healthy pregnancy and a paycheck is immoral and the PWFA ends this injustice. NETWORK Lobby calls on the House of Representatives to quickly send the PWFA to the Senate to support working people in the United States who are bringing new life into the world.''—Mary J. Novak, Executive Director, NETWORK Lobby for Catholic Social Justice

The Catholic Labor Network strongly supports the Pregnant Workers' Fairness Act. Pro-life and proworker, this essential legislation protects worker justice and honors families. No woman should have to choose between her job and her unborn child.''—Clayton Sinyai, Executive Director, Catholic Labor Network

''National Council of Jewish Women knows that pregnancy discrimination is a racial justice issue. Black women, Latinas, and immigrant women are more likely to hold inflexible and physically demanding jobs that present specific challenges for pregnant workers and are less likely to provide reasonable pregnancy accommodation. The Pregnant Workers Fairness Act would ensure that pregnant people do not have to choose between a healthy pregnancy and their economic security.''—Jody Rabhan, Chief Policy Officer, National Council of Jewish Women

''In so many of our homes, children depend upon their mothers for placing food on the table. Moms work; that's been the case for years. Yet our laws and regulations are not keeping up. Too often, working women who are pregnant are not given appropriate accommodations while they are pregnant. Congress must pass the Pregnant Workers Fairness Act that would ensure that pregnant workers are able to continue working safely, in the same way as workers with disabilities are accommodated''—Lawrence E. Couch, Director, National Advocacy Center of the Sisters of the Good Shepherd

''Women of Reform Judaism is proud to support the Pregnant Workers' Fairness Act. The COVID–19 pandemic has heightened the urgent need to establish policies to protect essential workers—overwhelmingly Black women, Latinas, immigrant women, and other Women of Color. Today, far too many of these essential workers are denied temporary job-related accommodations in order to maintain a healthy pregnancy and are forced to make the heartbreaking choice between their family's economic security and their health. No worker should ever be forced to make such a choice. Passing the Pregnant Workers Fairness Act is a moral imperative and we urge members of Congress to support its swift passage.''—Rabbi Marla Feldman, Executive Director, Women of Reform Judaism

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, much has been said about the Civil Rights Act. Well, what do the organizations that protect and promote the Civil Rights Act actually say?

More than 220 of them, I might add, say that the Pregnant Workers Fairness Act is critical to promoting economic security for pregnant workers and their families.

They say that women of color—more than two-thirds of Black women, 55 percent of Native American women, and 41 percent of Latina women—are the sole primary breadwinners for their families. They say that they support reasonable accommodations.

They say that a woman ought not be fired or be threatened with being fired for simply coming to work bearing a child, having a child.

They say that they support this legislation.

But the question really is, who are they? They are the Human Rights Campaign. They are the Anti-Defamation League. They are the League of Women Voters of the United States. They are the NAACP. They are the American Civil Liberties Union. They are the AFL–CIO. They are Mary Kay Henry. They are the Lawyers' Committee for Civil Rights Under Law. They are the NAACP Legal Defense and Educational Fund. They are Rabbi Jonah Pesner. And they are for this legislation.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, could you advise as to how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Virginia has 7½ minutes remaining. The gentlewoman from North Carolina has 12½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader of the United States House of Representatives.

Mr. HOYER. Mr. Speaker, I would say in response to Mr. GREEN's passionate speech: Me too.

I rise in strong support of this bill, and I am proud to bring it to the floor for consideration, Mr. Speaker.

I appreciate Chairman NADLER's leadership in sponsoring and shepherding it through the committee.

I thank Chairman SCOTT, as well, for his efforts on behalf of this very important piece of legislation.

America still has a long way to go when it comes to making our economy work for women and mothers. We have seen that dramatically during COVID–19.

Too often, women are pressured to leave the workforce when they start a family.

Women should not face discrimination or adverse actions as a result of pregnancy. I think everybody would, I hope, agree with that.

This legislation would prevent that from happening by requiring employers, Mr. Speaker, to make reasonable accommodations so that pregnant workers can remain on the job, earning their incomes.

Now, I know a thing or two about reasonable accommodations, frankly, as the principal sponsor of the Americans with Disabilities Act signed by President Bush on July 26, 1990. When I sponsored the bill more than 30 years ago, that legislation incorporated the concept of reasonable workplace accommodations, in that case, for employees with disabilities.

Pregnancy, of course, is not a disability. It is a joy. But there are certainly dangers faced by pregnant workers that could threaten the health of the woman and her unborn child, including heavy lifting and exposure to toxic substances.

That is why it is essential for pregnant workers to receive reasonable accommodations that protect their safety in the workplace without being demoted or losing their jobs and, of course, to protect the rights and safety of their babies.

Protecting the rights and safety of pregnant workers in our economy is something Democrats have championed for a very long time, Mr. Speaker, and we passed this legislation last Congress, as well.

But I hope that this is an issue where Democrats and Republicans—Mr. FORTENBERRY just spoke very well—can come together, in a bipartisan way, to protect mothers-to-be and their children.

I hope that the Senate will join the House in adopting these protections, which are so essential at a time when millions of women are eager to rejoin the workforce and continue pursuing careers that bring them and their families opportunity and economic security.

I thank Chairman NADLER again for his leadership. I thank Mr. SCOTT for his leadership, as well.

I urge a ''yes'' vote on this legislation.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN), the chair of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the Judiciary Committee.

Mr. COHEN. Mr. Speaker, I rise today in strong support of the Pregnant Workers Fairness Act.

This meaningful legislation will protect pregnant workers who have suffered because of insufficient workplace protections, a story far too familiar to many workers in my district in Memphis, Tennessee.

In 2018, I was shocked to read of the disturbing workplace abuses in an XPO Logistics warehouse in Memphis, which was reported in The New York Times. Warehouse workers were denied minor and reasonable accommodations, like less taxing workloads and shortened work shifts. These were pregnant workers.

As a result, several women suffered miscarriages, some of which happened while they were still on the warehouse floor.

I, along with Congresswoman DELAURO and 97 of my colleagues, wrote to the Education and Labor Committee to urge the 115th Congress to take decisive action and consider the Pregnant Workers Fairness Act.

I also participated in the Education and Labor Committee's subcommittee hearing on this bill last Congress.

Many pregnant workers are being forced to choose between maintaining a healthy pregnancy and losing their jobs at a time when both their healthcare and their economic security are crucial.

The Pregnant Workers Fairness Act will ensure that pregnant workers get accommodations when they need them without facing discrimination or retaliation in the workplace by putting in place a clear, explicit pregnancy accommodation framework similar to the accommodation standard that has been in place for decades for workers with disabilities.

I urge passage of this bill. I include in the RECORD the Better Balance report on the need for this law in spite of inaction by the State and the need for the 14th Amendment to be invoked. About eight States are included here.

MAY 13, 2021.

A BETTER BALANCE LEGAL ANALYSIS OF STATE ACTOR PREGNANCY-RELATED GENDER DISCRIMINATION

Decades after Congress passed the Pregnancy Discrimination Act (''PDA''), pregnant workers continue to face pernicious and unconstitutional gender discrimination at the hands of their employers, including state actors.

Evidence of persistent discrimination by state actors against pregnant workers in need of accommodation warrants—and indeed demands—Congress's exercise of its Section 5 power under the Fourteenth Amendment to remedy and deter violations of equal protection.

In the 21st century, sex discrimination against pregnant workers often takes the form of reliance on insidious gender role stereotyping concerning women's place in the home and in the workplace. Too often, such stereotypes—such as, that motherhood and employment are irreconcilable—force pregnant women ''to choose between having a child and having a job.'' Stereotyping surrounding pregnancy and motherhood is pervasive, and biases can be intentional, implicit, unconscious, or structural. For instance, a study published in June 2020 surveying pregnant women who work in physically demanding jobs found that 63 percent of women surveyed worried about facing negative stereotypes related to their pregnancy, and many avoided asking for accommodations, sensing instead that they needed to overexert themselves physically in order to avoid stereotyping. As a result, the study's authors recommended ''creat[ing] better social support for utilizing pregnancy accommodation.'' Those pregnant women who are let go or pushed out for needing accommodation face a double burden based on stereotyping: After losing critical income at the very moment their growing family needs it most, they must then fight to re-enter a job market that assumes new mothers are less competent and committed than fathers and their childless peers.

As the Supreme Court has repeatedly reaffirmed, such sex role stereotyping is a problem of constitutional magnitude. Indeed, the constitutional right to be free of invidious sex stereotyping ''at the faultline between work and family'' is now well-established For instance, in Nevada Department of *Human Resources* v. *Hibbs*, the Court rejected the ''sex-role stereotype'' that ''women's family duties trump those of the workplace. *Craig* v. *Boren*, the Court rejected ''outdated misconceptions concerning the role of females in the home rather than in the 'marketplace and world of ideas.'' And, in *Califano* v. *Westcott*, the Court rejected ''the baggage of sexual stereotypes that presumes the father has the primary responsibility to provide a home and its essentials, while the mother is the center of home and family life.''

Yet state employers continue to participate in and foster unconstitutional sex discrimination, including gender-role stereotyping, by failing to provide reasonable accommodations to allow pregnant women to be both mothers and wage earners. The problem is pervasive. To offer just a handful of examples:

In Alabama, Devyn Williams, a correctional officer trainee, informed her employer, the Alabama Department of Corrections, that she was pregnant. Corrections officials immediately began to discuss how to terminate Williams, with one deputy commissioner commenting in an email, ''Let me guess, we have to pay this person [Williams] through the entire pregnancy[?]''. At officials' urging, Williams provided a doctor's note recommending she be excused from the state's monthly physical training session due to her pregnancy. Upon receipt of the note, one corrections official emailed the others, ''[t]his [doctor's note] will give us grounds to separate [Plaintiff] from service.'' The state promptly fired Williams. In one sense, Williams was lucky: Alabama officials had the poor judgment to document their animus. Their emails made explicit the unconstitutional sex stereotypes motivating their refusal to accommodate. Employers do not always put the animus underlying their failures to accommodate in discoverable emails. The PDA has failed to root out such intentional yet ''subtle [forms of] discrimination that [are] difficult to detect on a case-by-case basis,'' thanks in part to a proof structure that demands onerous and lengthy litigation. (Williams was still litigating her case nearly five years after she requested accommodation.)

In Oklahoma, Clarisa Borchert, a childcare attendant, informed her employer, a state university child care center, that she was pregnant. When Borchert's doctor recommended a 20-pound lifting restriction—which Borchert believed would allow her to continue to care for infants—the state told her that she would not be permitted to work ''with restrictions of any kind.'' The gender-based animus underlying the state's blanket refusal to accommodate Borchert's pregnancy was revealed by the ''daily disparaging comments'' made by Borchert's boss and other employees about her pregnancy. For instance, in response to Borchert's ''severe and ongoing nausea and vomiting caused by her pregnancy,'' her boss told her to ''get over it'' and accused her of feigning illness, telling Borchert that she ''wasn't

really sick.'' Soon thereafter, the state issued Borchert a Separation Notice.

In New York, Lakia Jackson, a nurse technician, informed her employer, a state university, that she was pregnant. Jackson repeatedly requested assistance changing patients, which her state employer denied because, in the words of her supervisors, the university ''does not accommodate pregnant women.'' As a result of the strain of changing one patient, Jackson had to be rushed to the emergency room and ''nearly [went] into pre-term labor.'' In defense of its refusal to accommodate Jackson's pregnancy, her state employer invoked a common sex stereotype about pregnant women: that she was simply ''using her pregnancy as an excuse for not doing her work.'' The state terminated her shortly thereafter.

In Tennessee, Amber Burnett, a veterinary assistant, informed her employer, a state university, that she was pregnant. When Burnett alerted her employer that she could still work but that her physician had advised minimal or no contact with diseased animals placed in isolation, her employer told her that ''she should begin looking for another job.'' Shortly thereafter, the state terminated her. In justifying the termination, the state claimed concern for the potential for harm to Burnett's pregnancy—a rationale that the Supreme Court recognized decades ago is rooted in impermissible sex discrimination.

In North Carolina, Lauren Burch, a special agent, informed her employer, the state alcohol enforcement agency, that she was pregnant. On her doctor's advice, Burch requested light duty status to avoid ''situations that would put her at risk for physical altercations.'' Her state employer approved the request but assigned her to a worksite that ''required a daily, six-hour round-trip commute'' (for which she was provided ''no work credit for travel time'' and was forced to use ''her personal vehicle at her own expense''). The state refused to grant her an assignment with a shorter commute—despite Burch's doctor's recommendation that she travel no more than 1.5 hours—and pushed her onto unpaid leave.

In Illinois, Tracy Atteberry, a police officer, informed her employer, the Illinois State Police, that she was pregnant. Upon the advice of her doctor, she requested light duty, which the state denied, despite providing light duty to other non-pregnant employees with medical needs. Instead, the state forced Atteberry to use up her personal time prior to giving birth to her child.

In Oregon, Maricruz Caravantes, a caregiver, informed her employer, a state agency, that she had a high-risk pregnancy. Upon the advice of her doctor, Caravantes requested—and was denied—assistance with lifting patients, causing her to ''seriously injure[]'' her back.

In Kansas, Deanna Porter, a psychiatric aide, informed her employer, a state hospital, that she was pregnant. When Porter's doctor advised that she avoid lifting more than 40 pounds, the state refused to allow Porter to work with the lifting restriction in place and sent her home. Shortly thereafter, she was terminated.

Due to a combination of gaps in the law and narrow judicial interpretations, Congress's efforts through the PDA to eradicate ''the pervasive presumption that women are mothers first, and workers second'' have ''proved ineffective for a number of reasons.'' First, as described in A Better Balance's report, ''Long Overdue,'' two-thirds of women lose their PDA pregnancy accommodation claims in court. A high percentage of these losses can be traced to courts' rejection of pregnant workers' comparators or to workers' inability to find a comparator, under the Supreme Court's *Young* framework. The *Young* standard also has done little to create clarity in the law, sowing confusion among lower courts, juries, and litigants alike. As A Better Balance co-president Dina Bakst testified earlier this year:

[R]ecent decisions further illustrate how steep a barrier Young and its comparator standard have erected to proving pregnancy discrimination in court. Workers, especially low-wage workers—and particularly women of color—typically do not have access to their coworkers' personnel files and do not otherwise know how they are being treated. Often, this information is rightly confidential, which means a pregnant worker would be unable to find the information needed to show they are entitled to an accommodation.

Second, litigating accommodation cases under the PDA has proven so onerous and timeconsuming as to be wholly ineffective in the lives of real women. As noted above, Devyn Williams was still litigating her accommodation case nearly five years after she requested accommodation. Such delay has devastating consequences for pregnant workers who need accommodation promptly, not five years later. As our co-president testified:

Most pregnant workers do not have the resources, time, or desire to engage in timeconsuming and stressful litigation to attempt to obtain such information. They want, and need, to be able to receive an accommodation promptly, so they can continue earning income while maintaining a healthy pregnancy.

Finally, even when pregnant workers win their PDA accommodation cases, it is because they are lucky enough to find the perfect comparator or, like Devyn Williams, to have a state employer foolish enough to document their gender animus in a ''smoking gun'' email—the kinds of evidence courts have deemed necessary to prevail under the PDA. The many pregnant women who lack such evidence—but who nevertheless are denied the accommodations they need due to their state employers' animus and stereotypes—do not bring suit at all, a reality A Better Balance often hears from workers on its legal helpline. If a standard is so onerous as to prevent workers from seeking justice, that means current law offers no adequate remedy for a pernicious, unconstitutional form of discrimination.

The PDA's failure to combat states' record of unconstitutional gender discrimination demands further action by Congress. Where, as here, ''Congress ha[s] already tried unsuccessfully'' to remedy violations of equal protection and such ''previous legislative attempts ha[ve] failed,'' then ''added prophylactic measures'' are justified and, indeed, imperative. The Pregnant Workers Fairness Act (PWFA) is just such a measure.

The PWFA is narrow, tailored, and targeted to combat gender discrimination, including invalid sex role stereotypes about the place of ''mothers or mothers-to-be'' in the work sphere. By requiring reasonable accommodation of pregnant workers only where doing so would not cause employers undue hardship, the PWFA is carefully crafted to deter and quickly remedy unconstitutional sex discrimination in the hiring, retention, and promotion of young (potentially-pregnant) women and soon-to-become mothers. Moreover reasonable accommodations for pregnancy are inherently time-limited, and the vast majority of accommodations pregnant workers need, like the right to carry a water bottle or sit on a stool at a retail counter, are low-cost or no-cost. The minimal (or non-existent) economic cost of a pregnancy accommodation is one reason major industry groups, such as the U.S. Chamber of Commerce, champion the PWFA.

We urge Congress to pass this much-needed legislation:

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 5½ minutes remaining. The gentlewoman from North Carolina has 12½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, the Pregnant Workers Fairness Act is based on the simple idea that no one in this country should have to choose between financial security and a healthy pregnancy.

This concept of fairness for pregnant workers is precisely why both Democrats and Republicans came together to pass the Pregnant Workers Fairness Act in the last Congress.

Let's be clear. Reasonable protections for workers are nothing new in our Nation's workplaces. Employers already have several decades of experience providing reasonable accommodations for workers with disabilities under the Americans with Disabilities Act.

We have heard about the fact that it doesn't include a religious exemption. Well, the Religious Freedom Restoration Act still applies. The First Amendment still applies. But there is no reason to give a wholesale exemption to religious organizations, because what are you exempting them from? Providing water for pregnant workers, giving a bathroom break to a pregnant worker, is that what they need an exemption from?

We need to make sure that those accommodations are available to all pregnant women who are working and that organizations with at least 15 workers are guaranteeing protections for pregnant workers in Federal law.

□ 1015

By doing that, this bill will eliminate the confusing patchwork of State and local workplace standards that workers and employers are currently forced to navigate. This legislation has broad support across the political spectrum and our communities.

In a recent nationwide survey, 89 percent of voters say they support the Pregnant Workers Fairness Act. Labor unions; civil rights groups, as we have heard; and the business community, including the Chamber of Commerce, have all endorsed this proposal as it is. It is imperative that we finally guarantee pregnant workers access to reasonable workplace accommodations.

Mr. Speaker, I include in the RECORD a letter signed by over 250 organizations in support of H.R. 1065, the Pregnant Workers Fairness Act.

MAY 11, 2021.

Re Pregnant Workers Fairness Act.

DEAR MEMBER OF CONGRESS: As organizations committed to promoting the health and economic security of our nation's families, we urge you to support the Pregnant

Workers Fairness Act, a crucial maternal and infant health measure. This bipartisan legislation promotes healthy pregnancies and economic security for pregnant workers and their families and strengthens the economy.

In the last few decades, there has been a dramatic demographic shift in the workforce. Not only do women now make up almost half of the workforce, but there are more pregnant workers than ever before and they are working later into their pregnancies. The simple reality is that some pregnant workers—especially those in physically demanding jobs—will have a medical need for a temporary job-related accommodation in order to maintain a healthy pregnancy. Yet, too often, instead of providing pregnant workers with an accommodation, employers will fire or push them onto unpaid leave, depriving them of a paycheck and health insurance at a time when it may be most needed.

Additionally, discrimination affects pregnant workers across race and ethnicity, but women of color and immigrants may be at particular risk. Latinas, Black women and immigrant women are more likely to hold certain inflexible and physically demanding jobs that can present specific challenges for pregnant workers, such as cashiers, home health aides, food service workers, and cleaners, making reasonable accommodations on the job even more important, and loss of wages and health insurance due to pregnancy discrimination especially challenging. American families and the American economy depend on women's income: we cannot afford to force pregnant workers out of work.

In 2015, in *Young* v. *United Parcel Service*, the Supreme Court held that a failure to make accommodations for pregnant workers with medical needs will sometimes violate the Pregnancy Discrimination Act of 1978 (PDA). Yet, even after Young, pregnant workers are still not getting the accommodations they need to stay safe and healthy on the job and employers lack clarity as to their obligations under the law. The Pregnant Workers Fairness Act will provide a clear, predictable rule: employers must provide reasonable accommodations for limitations arising out of pregnancy, childbirth, or related medical conditions, unless this would pose an undue hardship.

The Pregnant Workers Fairness Act is modeled after the Americans with Disabilities Act (ADA) and offers employers and employees a familiar reasonable accommodation framework to follow. Under the ADA, workers with disabilities enjoy clear statutory protections and need not prove how other employees are treated in order to obtain necessary accommodations. Pregnant workers deserve the same clarity and streamlined process and should not have to ascertain how their employer treats others in order to understand their own accommodation rights, as the Supreme Court's ruling currently requires.

Evidence from states and cities that have adopted laws similar to the Pregnant Workers Fairness Act suggests that providing this clarity reduces lawsuits and, most importantly, helps ensure that workers can obtain necessary reasonable accommodations in a timely manner, which keeps pregnant workers healthy and earning an income when they need it most. Workers should not have to choose between providing for their family and maintaining a healthy pregnancy, and the Pregnant Workers Fairness Act would ensure that all those working for covered employers would be protected.

The need for the Pregnant Workers Fairness Act is recognized across ideological and partisan lines. Thirty states and D.C. have adopted pregnant worker fairness measures with broad, and often unanimous, bipartisan support. Twenty-five of those laws have passed within the last seven years. These states include: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Minnesota, Nebraska, New Mexico, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, West Virginia, Vermont, Virginia, and Washington. Lawmakers have concluded that accommodating pregnant workers who need it is a measured approach grounded in family values and basic fairness.

The Pregnant Workers Fairness Act is necessary because it promotes long-term economic security and workplace fairness. When accommodations allow pregnant workers to continue to work, they can maintain income and seniority, while forced leave sets new parents back with lost wages and missed advancement opportunities. When pregnant workers are fired, not only do they and their families lose critical income, but they must fight extra hard to re-enter a job market that is especially brutal on those who are pregnant and unemployed.

The Pregnant Workers Fairness Act is vital because it supports healthy pregnancies. The choice between risking a job and risking the health of a pregnancy is one no one should have to make. Pregnant workers who cannot perform some aspects of their usual duties without risking their own health or the health of their pregnancy, but whose families cannot afford to lose their income, may continue working under dangerous conditions. There are health consequences to pushing pregnant workers out of the workforce as well. Stress from job loss can increase the risk of having a premature baby and/or a baby with low birth weight. In addition, if workers are not forced to use their leave during pregnancy, they may have more leave available to take following childbirth, which in turn facilitates lactation, bonding with and caring for a new child, and recovering from childbirth.

For all of these reasons, we urge you to support the Pregnant Workers Fairness Act.

We also welcome the opportunity to provide you with additional information.

Sincerely,

A Better Balance, American Civil Liberties Union, National Partnership for Women & Families, National Women's Law Center, 1,000 Days, 2020 Mom, 9to5, ACTION OHIO Coalition For Battered Women, Advocates for Youth, AFL-CIO, African American Ministers In Action, Alaska Breastfeeding Coalition, Alianza Nacional de Campesinas, All-Options, Academy of Nutrition and Dietetics, American Academy of Pediatrics, American Association of University, Women (AAUW), American Association of University, Women (AAUW) Indianapolis, American College of Obstetricians and Gynecologists, American Federation of State, County and Municipal Employees.

American Federation of Teachers, American Public Health Association, AnitaB.org, Asian Pacific American Labor Alliance, AFL-CIO, Association of Farmworker Opportunity Programs, Association of Maternal & Child Health Programs, Association of State Public Health Nutritionists, Autistic Self Advocacy Network, Baby Cafe USA, Beaufort-Jasper-Hampton Comprehensive Health Services, Black Mamas Matter Alliance, Black Women's Roundtable, Bazelon Center for Mental Health Law, Bloom, Baby! Birthing Services, Bread For the World.

Breastfeeding Coalition of Delaware, Breastfeeding Family Friendly Communities, Breastfeeding Hawaii, BreastfeedLA, Building Pathways, Inc, California Breastfeeding Coalition, California WIC Association, California Work & Family Coalition, California Women's Law Center, Casa de Esperanza: National Latina@ Network for Healthy Families and Communities, Center for American Progress, Center for Law and Social Policy (CLASP), Center for LGBTQ Economic, Advancement & Research, Center for Parental Leave Leadership, Center for Public Justice, Center for Reproductive Rights, Chosen Vessels Midwifery Services, Church World Service, Clearinghouse on Women's Issues, CLUW.

Coalition for Restaurant Safety & Health, Coalition of Labor Union Women (CLUW), Coalition on Human Needs, Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces, Connecticut Women's Education and Legal Fund (CWEALF), DC Dorothy Day Catholic Worker, Disability Rights Education & Defense Fund, Disciples Center for Public Witness, Economic Policy Institute, Equality Ohio, Equal Pay Today, Equal Rights Advocates, Every Texan, Every Mother, Inc., Family Equality, Family Values @ Work, Farmworker Justice, Feminist Majority Foundation, First Focus Campaign for Children.

Futures Without Violence, Gender Equality Law Center, Gender Justice, Grandmothers for Reproductive Rights (GRR!), Hadassah, The Women's Zionist, Organization of America, Inc., Hawai'i Children's Action Network Speaks!, Health Care For America Now, Healthier Moms and Babies, Healthy Children Project, Inc., Healthy and Free Tennessee, Healthy Mothers, Healthy Babies Coalition of Georgia, HealthyWomen, Hispanic Federation, Hoosier Action, Human Rights Watch, ICNA CSJ, In Our Own Voice: National Black Women's Reproductive Justice Agenda, Indiana Chapter of the American Academy of Pediatrics, Indiana Institute for Working Families.

Indianapolis Urban League, Institute for Women's Policy Research, Interfaith Workers Justice, Justice for Migrant Women, Kansas Action for Children, Kansas Breastfeeding Coalition, KWH Law Center for Social Justice and Change, La Leche League Alliance, La Leche League USA, LatinoJustice PRLDEF, LCLAA, Legal Aid at Work, Legal Momentum, The Women's Legal Defense and Education Fund, Legal Voice, Mabel Wadsworth Center, Main Street Alliance, Maine Women's Lobby, Make It Work Nevada, Mana, A National Latina Organization.

March of Dimes, Maternal Mental Health Leadership Alliance, MCCOY (Marion County Commission on Youth), Methodist Federation for Social Action, Michigan Breastfeeding Network, Michigan League for Public Policy, Midwives Alliance of Hawaii, Minus 9 to 5, Mississippi Black Women's Roundtable, Mom Congress, MomsRising, Monroe County NOW, Mother Hubbard's Cupboard, Mothering Justice, Mother's Own Milk Matters, MS Black Women's Roundtable & MS, Women's Economic Security Initiative, NAACP, NARAL Pro-Choice America, National Advocacy Center of the Sisters of the Good Shepherd, National Asian Pacific American Women's Forum (NAPAWF).

National Association of Pediatric Nurse Practitioners, National Association of Social Workers, National Association of Social Workers NH Chapter, National Advocates for Pregnant Women, National Birth Equity Collaborative, National Center for Law and Economic Justice, National Center for Lesbian Rights, National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), National Coalition for the Homeless, National Coalition of 100 Black Women, Inc., Central Ohio Chapter, National Coalition Against Domestic Violence, National Consumers League, National

Council for Occupational Safety and Health (National COSH).

National Council of Jewish Women, National Council of Jewish Women Cleveland, National Council of Jewish Women (NCJW), Atlanta Section, National Domestic Workers Alliance, National Education Association, National Employment Law Project, National Employment Lawyers Association, National Health Law Program, National Hispanic Council on Aging, National Network to End Domestic Violence, National Organization for Women, National Urban League, National WIC Association, National Women's Health Network, NETWORK Lobby for Catholic Social Justice, New Jersey Breastfeeding Coalition, New Jersey Citizen Action, New Jersey Time to Care Coalition.

New Mexico Breastfeeding Task Force, New Working Majority, North Carolina Justice Center, Northwest Arkansas Breastfeeding Coalition, Nurse-Family Partnership, Nutrition First, Ohio Alliance to End Sexual Violence, Ohio Coalition for Labor Union Women, Ohio Domestic Violence Network, Ohio Federation of Teachers, Ohio Religious Coalition for Reproductive Choice, Ohio Women's Alliance, Oxfam America, Paid Leave For All, Partnership for America's Children, Peirce Consulting LLC, Philadelphia Coalition of Labor Union, Women Philly CLUW, Philadelphia NOW Education Fund, Philaposh, Physicians for Reproductive Health, Planned Parenthood Federation of America.

PL+US: Paid Leave for the United States, Poder Latinx, Pontikes Law LLC, PowHer New York, Pray First Mission Ministries, Pretty Mama Breastfeeding, LLC, Prevent Child Abuse NC, Public Advocacy for Kids (PAK), Restaurant Opportunities Center United, RESULTS, RESULTS DC/MD, Shriver Center on Poverty Law, SisterReach, SPAN Parent Advocacy Network (SPAN), Solutions for Breastfeeding, Speaking of Birth, Southwest Women's Law Center, The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), The Leadership Conference on Civil and Human Rights,

The Little Timmy Project, The National Domestic Violence Hotline, The Ohio Women's Public Policy Network, The Women and Girls Foundation of Southwest Pennsylvania, The Women's Law Center of Maryland, The Zonta Club of Greater Queens, TIME'S UP Now, U.S. Breastfeeding Committee, Ujima Inc: The National Center on Violence Against Women in the Black Community, UltraViolet, Union for Reform Judaism, United Church of Christ Justice and Witness Ministries, United Electrical, Radio and Machine Workers of America (UE), United Food and Commercial Workers International Union (UFCW), United Spinal Association, United State of Women, United Steelworkers, United Today, Stronger Tomorrow.

Universal Health Care Action Network of Ohio, VA NOW, Inc., Virginia Breastfeeding Advisory Committee, Virginia Breastfeeding Coalition, Voices for Progress, Wabanaki Women's Coalition, We All Rise, West Virginia Breastfeeding Alliance, Western Kansas Birthkeeping, William E. Morris Institute for Justice (Arizona), Women and Girls Foundation of Southwest Pennsylvania, Women Employed, Women of Reform Judaism, Women's Fund of Greater Chattanooga.

Women's Fund of Rhode Island, Women's Law Project, Women's March, Women's Media Center, Women's Rights and Empowerment Network, Women4Change, Workplace Fairness, Workplace Justice Project at Loyola Law Clinic, Worksafe, WV Breastfeeding Alliance, WV Perinatal Partnership, Inc., YWCA Dayton, YWCA Greater Cincinnati, YWCA Mahoning Valley, YWCA McLean County, YWCA Northwestern Illinois, YWCA USA, YWCA of the University of Illinois, ZERO TO THREE.

Mr. SCOTT of Virginia. Mr. Speaker, lastly, I thank Chairman NADLER and Congressman KATKO for their leadership on this important legislation.

Mr. Speaker, I urge a ''yes'' vote, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the chairman of the committee just said that this is going to stop the patchwork of laws related to this issue.

Au contraire, Mr. Chairman. This is going to add to the confusion, which is the point I have been making over and over and over again. Simple addition of the reference to the Civil Rights Act would keep us from adding to the patchwork of laws and the confusion that this bill is going to create. And I am sorely disappointed that we could not work out this last little accommodation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I have one last speaker, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Republicans will not stand for discrimination of any kind. As a mother, a grandmother, and a very strong pro-life advocate, workplace protections for pregnant women are particularly important to me. My Republican colleagues and I have long been committed to policies and laws that empower all Americans to achieve success, and this includes current protections in Federal law for pregnant workers.

While meaningful and necessary bipartisan improvements were made to H.R. 1065, it falls short in protecting one of the Nation's most treasured rights: Freedom of religion.

Democrats' refusal to include a commonsense, current-law provision that protects religious organizations from being forced to make employment decisions that conflict with their faith is shortsighted and disappointing. Congress should not be in the business of taking away rights from the American people.

In fact, as we all know, the Constitution starts with the three most important words outside the Bible: We the People.

And then in the First Amendment to the Constitution—and I want to jog the memories of my colleagues—the Constitution enshrines the right of religious freedom by saying: ''Congress shall make no law respecting an establishment of religion''—and this is very important, the next part—''or prohibiting the free exercise thereof.''

That is what we are talking about here today. We are talking about the free exercise of religion. I will say again: Congress should not be in the business of attempting to take away rights from the American people. The Constitution does not give us that right.

Mr. Speaker, I urge a ''no'' vote, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for the recognition and for his leadership, and that of the committee in bringing this important bipartisan legislation to the floor.

I salute the gentleman; I salute JERRY NADLER, an author of this legislation, the chair of the Committee on the Judiciary; Mr. KATKO for his lead cosponsorship; among other Republican members, to make this strongly bipartisan.

Mr. Speaker, I am excited about this legislation as a mother of five children—four daughters, one son—nine grandchildren. This is about a recognition of being family-friendly in our legislation, as more women are a part of the economic success of our country.

Mr. Speaker, I rise to support the Pregnant Workers Fairness Act, a strong bipartisan step to ensure that women are no longer forced to choose between maintaining a healthy pregnancy and paycheck—a choice that, for many, has serious health consequences.

This landmark legislation advances the health of women and children, the financial security of families, and, really, the dynamism of our American economy. And its passage—while long overdue—is particularly urgent, as the lives and livelihood of so many are under threat from the coronavirus.

Again, I thank the chairman and Mr. KATKO, Mr. NADLER, and so many others for their leadership in passing this bill. And I thank all the cosponsors.

Again, as a mother of five, I am especially proud to support the bill. And I want to salute all the mothers and women who have spoken out, often risking professional retaliation, to end pregnancy discrimination in the workplace.

This is what this means: It means that too often when a pregnant worker asks for a temporary job-related accomodation, she will be fired or pushed onto unpaid leave, deprived of her paycheck and health insurance when she needs them most.

This is particularly true in many physically taxing jobs, which tend to be low wage and traditionally dominated by women. And that is why we must pass the Pregnant Workers Fairness Act, putting in place a clear, explicit pregnancy accommodation framework, similar to the standard that has been in place for decades for workers with disabilities, which I was proud to be part of. Our distinguished leader, Mr. HOYER, has been a major leader in that regard.

Mr. Speaker, this legislation is also a matter of justice. As nearly 300 groups from the ACLU to Zero To Three recently wrote to Congress—from A to

Z—''Discrimination affects pregnant workers across race and ethnicity, but women of color and immigrants may be at particular risk.

''Latinas, Black women and immigrant women are more likely to hold certain inflexible and physically demanding jobs that can present specific challenges for pregnant workers. . . . This can make reasonable accommodations on the job even more important, and loss of wages and health insurance due to pregnancy discrimination especially challenging.''

I think it is important to note that this legislation is important also from the standpoint of hiring. We want to make sure that employers who are hiring someone know there is a level playing field should the woman of childbearing age—or even already blessed with a pregnancy—that this is a positive initiative for their workplace and their treating that person with respect is not placing them at any disadvantage if the playing field is level.

This comes at a time when—I mentioned about the pandemic—around 2 million women were pushed out of the labor force. One out of four women report they are still worse off financially than a year ago. Studies show it will take 18 months longer for the women's employment to rebound from the pandemic than for men's. And the reduction of women's work hours and labor force participation is said to erase tens of billions of dollars from our economy.

American women are part of the engine of America's economy and the key to building back better after this crisis. And again, as we all say: When women succeed, America succeeds.

And we can apply that to say: When women of childbearing age succeed, America certainly succeeds.

And for mothers and women who are pregnant, the challenges are even graver because our Nation still lacks sufficient workplace protections against pregnancy discrimination.

Mr. Speaker, that is why this legislation is so very important and is consistent with what we pledge—liberty and justice for all women.

I am very excited about this because, as we all know, pregnancy is a blessing to any family, and we do not want any intervention that can be avoided in terms of accommodating the needs of women who are pregnant.

Mr. Speaker, I salute all of you. I am very excited about this legislation and I am so glad it will have strong bipartisan support.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 380, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 315, nays 101, not voting 14, as follows:

[Roll No. 143]

YEAS—315

Adams
Aguilar
Allred
Amodei
Auchincloss
Axne
Bacon
Balderson
Barragán
Bass
Beatty
Bentz
Bera
Beyer
Bice (OK)
Bilirakis
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bost
Bourdeaux
Bowman
Boyle, Brendan F.
Brown
Brownley
Buchanan
Bucshon
Burgess
Bush
Bustos
Butterfield
Calvert
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chabot
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Cole
Comer
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crenshaw
Crist
Crow
Cuellar
Curtis
Davids (KS)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Emmer
Escobar
Eshoo
Espaillat
Evans
Feenstra
Ferguson
Fischbach
Fitzpatrick
Fleischmann
Fletcher
Fortenberry
Foster
Frankel, Lois
Gaetz
Gallagher
Gallego
Garamendi
Garbarino
Garcia (CA)
García (IL)
Garcia (TX)
Gimenez
Gomez
Gonzales, Tony
Gonzalez (OH)
Gonzalez, Vicente
Gottheimer
Granger
Graves (LA)
Green, Al (TX)
Grijalva
Guthrie
Hagedorn
Harder (CA)
Hayes
Herrera Beutler
Higgins (NY)
Hill
Himes
Hinson
Hollingsworth
Horsford
Houlahan
Hoyer
Hudson
Huffman
Huizenga
Issa
Jackson Lee
Jacobs (CA)
Jacobs (NY)
Jayapal
Jeffries
Johnson (GA)
Johnson (OH)
Johnson (SD)
Johnson (TX)
Jones
Joyce (OH)
Kahele
Kaptur
Katko
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (CA)
Kim (NJ)
Kind
Kinzinger
Kirkpatrick
Krishnamoorthi
Kuster
Kustoff
LaMalfa
Lamb
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Lesko
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Lucas
Luria
Lynch
Malinowski
Malliotakis
Maloney, Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCarthy
McCaul
McCollum
McEachin
McGovern
McKinley
McNerney
Meeks
Meijer
Meng
Mfume
Miller-Meeks
Moolenaar
Mooney
Moore (UT)
Moore (WI)
Morelle
Moulton
Mrvan
Mullin
Murphy (NC)
Nadler
Napolitano
Neal
Neguse
Newhouse
Newman
Norcross
Nunes
O'Halleran
Obernolte
Ocasio-Cortez
Omar
Owens
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Reed
Rice (NY)
Rogers (KY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Ryan
Salazar
Sánchez
Sarbanes
Scalise
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Schweikert
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (MO)
Smith (NJ)
Smith (WA)
Soto
Spanberger
Spartz
Speier
Stanton
Stauber
Steel
Stefanik
Steil
Stevens
Stewart
Strickland
Suozzi
Swalwell
Takano
Tenney
Thompson (CA)
Thompson (MS)
Tiffany
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Turner
Underwood
Upton
Valadao
Van Drew
Vargas
Veasey
Vela
Velázquez
Wagner
Walorski
Waltz
Wasserman Schultz
Waters
Watson Coleman
Welch
Wenstrup
Wexton
Wild
Williams (GA)
Williams (TX)
Wilson (FL)
Wilson (SC)
Wittman
Womack
Yarmuth
Zeldin

NAYS—101

Aderholt
Allen
Armstrong
Arrington
Babin
Baird
Banks
Barr
Bishop (NC)
Boebert
Brady
Brooks
Buck
Budd
Burchett
Cammack
Carl
Carter (GA)
Carter (TX)
Cawthorn
Cheney
Cline
Cloud
Clyde
Crawford
Davidson
DesJarlais
Donalds
Duncan
Dunn
Fallon
Fitzgerald
Foxx
Franklin, C. Scott
Fulcher
Gibbs
Gohmert
Good (VA)
Gooden (TX)
Gosar
Graves (MO)
Green (TN)
Greene (GA)
Grothman
Guest
Harris
Harshbarger
Hern
Herrell
Hice (GA)
Higgins (LA)
Jackson
Johnson (LA)
Jordan
Joyce (PA)
Keller
Kelly (PA)
LaHood
Lamborn
LaTurner
Letlow
Long
Loudermilk
Luetkemeyer
Mace
Mann
Massie
Mast
McClain
McClintock
McHenry
Miller (IL)
Miller (WV)
Moore (AL)
Nehls
Norman
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rose
Rosendale
Rouzer
Roy
Scott, Austin
Sessions
Smith (NE)
Smucker
Steube
Taylor
Timmons
Van Duyne
Walberg
Weber (TX)
Westerman

NOT VOTING—14

Bergman
Biggs
Estes
Golden
Griffith
Hartzler
Kelly (MS)
Meuser
Murphy (FL)
Simpson
Stivers
Thompson (PA)
Webster (FL)
Young

□ 1103

Messrs. RICE of South Carolina, MAST, and Mrs. RODGERS of Washington changed their vote from ''yea'' to ''nay.''

Mr. WITTMAN and Mrs. FISCHBACH changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CARTER of Texas. Madam Speaker, I voted in error on rollcall 143. I mistakenly voted no when I intended to vote yes.

Mr. GRIFFITH. Mr. Speaker, today I am absent due to a family matter. Had I been present, I would have voted "yea" on rollcall No. 143 (H.R. 1065).

Mrs. RODGERS of Washington. Mr. Speaker, I voted no on H.R. 1065, however, this

vote was a mistake. I support H.R. 1065, the Pregnant Workers Fairness Act.

Stated against:

Mr. BIGGS. Mr. Speaker, on rollcall No. 143 on H.R. 1065, I am not recorded because I had to return home to my district to attend the funeral of a close family friend. Had I been present, I would have voted "nay" on rollcall No. 143.

Mr. KELLY of Mississippi. Mr. Speaker, I was absent from votes today due to Mississippi National Guard obligations. Had I been present, I would have voted "nay" on rollcall No. 143.

Mr. BERGMAN. Mr. Speaker, please accept this personal explanation as I was unexpectedly detained during vote proceedings. Had I been present, I would have voted "nay" on rollcall No. 143.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Allred (Stevens)	Jones (Jacobs (CA))	Rush (Underwood)
Beatty (Lawrence)	Kirkpatrick (Stanton)	Sewell (DelBene)
Bilirakis (Fleischmann)	Lawson (FL) (Evans)	Sires (Pallone)
Cárdenas (Gallego)	Lieu (Beyer)	Slotkin (Stevens)
Comer (Cammack)	Lofgren (Jeffries)	Smith (WA) (Kilmer)
Correa (Vargas)	Lowenthal (Beyer)	Speier (Scanlon)
Crenshaw (Pfluger)	McEachin (Wexton)	Strickland (Del Bene)
Doyle, Michael F. (Cartwright)	McHenry (Banks)	Timmons (Gonzalez (OH))
Grijalva (Garcia (IL))	Meng (Clark (MA))	Torres (CA) (Barragán)
Huffman (Thompson (CA))	Moore (WI) (Beyer)	Wagner (Walorski)
Johnson (GA) (Cohen)	Napolitano (Chu)	Welch (McGovern)
Johnson (TX) (Jeffries)	Payne (Pallone)	Wilson (FL) (Hayes)
	Porter (Wexton)	
	Ruiz (Aguilar)	
	Ruppersberger (Raskin)	

HONORING THE SERVICE OF MICHAEL LONG

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, it is with great pride and some emotion that I rise to honor an outstanding and longstanding member of my staff who has been a pillar of my office for nearly 15 years, my Senior Advisor and Director of Member Services, Michael Long.

To Members of Congress and all who work and serve in this Chamber, the name Michael Long is synonymous with excellence.

Michael is a coalition-builder and a communicator, a liaison and a leader with an extraordinary talent for forging enduring, effective connections, both within and outside the Capitol. I have watched him with great pride over the years as he welcomed young people to the Capitol, including the Boy Scouts, as an Eagle Scout himself, showing his leadership from early on, whether it is his communication with his many friends and admirers in the Congressional Black Caucus or with the Members across the Congress on both sides of the aisle.

We all know and are grateful for his unwavering patience and perseverance and his remarkable ability to anticipate and meet the needs of Members.

Michael comes from a family that is committed to the civil rights movement. He has it in his DNA, although he is younger than the movement.

For this and other reasons, many of us were privileged that Michael came with us, under the leadership of KAREN BASS and the Congressional Black Caucus, to Ghana.

Mr. Whip, you were a leader in that delegation, and you know how moving it was.

But Michael brought, in his DNA, the spirit of his father, Isaac, who was watching down from Heaven and saw Michael be part of that historic trip. The whole time, he wore Isaac's cufflinks as Isaac looked down with pride, and his mother, Naomi, and sister, Veronica, looked on with love from here, taking great pride in Michael.

Mr. Whip, it is such an honor that you are in the Chair as I pay tribute to Michael, a real tribute to him and his work.

Michael has been a tremendous asset to the Speaker's Office and my leadership team over the years, and to the entire Democratic Caucus and the entire Congress, ensuring that we can deliver progress For the People.

He can take pride, as I do, in knowing the key role that he has played in our passing legislation to lift up working families across America. That happened because of his leadership.

While Michael's trusted presence on this floor and on Capitol Hill will be missed, we are grateful for his service, as well as for his work as a mentor and leader to forge a path for others to follow. Indeed, his tenure has been both historic and impactful.

On behalf of the House of Representatives, I thank Michael Long and wish him the best in the next stages of his journey.

With great admiration and appreciation, thank you, Michael Long.

LEGISLATIVE PROGRAM

(Mr. FERGUSON asked and was given permission to address the House for 1 minute.)

Mr. FERGUSON. Madam Speaker, I rise for the purpose of inquiring to the majority the schedule for the week to come.

I yield to the gentleman from California (Mr. AGUILAR), my friend and colleague, the vice chair of the Democratic Caucus.

Mr. AGUILAR. Madam Speaker, I thank the gentleman for yielding.

On Monday, the House will meet at 12 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes expected no earlier than 6:30 p.m.

On Tuesday and Wednesday, the House will meet at 10 a.m. for morning-hour debate and 12 p.m. for legislative business.

On Thursday, the House will meet at 9 a.m. for legislative business, with last votes no later than 3 p.m.

We will consider several bills under suspension of the rules. A complete list of the suspension bills will be announced by the close of business today.

In addition, we will consider bills rejecting hate toward the Asian-American and Pacific Islander community, including S. 937, the Senate-passed COVID–19 Hate Crimes Act, which addresses the dramatic increase in hate crimes targeting the AAPI community since the start of the pandemic.

H. Res. 275, a resolution condemning the horrific shootings in Atlanta, Georgia, on March 16, 2021, and reaffirming the House of Representatives' commitment to combatting hate, bigotry, and violence against the AAPI community.

□ 1115

We will also consider H.R. 1629, the Fairness in Orphan Drug Exclusivity Act, which closes the loophole that blocks pharmaceutical competition and prevents innovative treatments for opioid use disorder from coming to market, and would help millions of Americans suffering from opioid addiction.

Next week, the House will also consider the Emergency Security Supplemental to Respond to January 6th Appropriations Act, 2021, which addresses enhanced security needs for the Capitol complex; and House Resolution 3233, the National Commission to Investigate the January 6 Attack on the United States Capitol Complex Act, which establishes a commission to investigate the insurrection at the Capitol on January 6.

This is bipartisan legislation. I want to thank Chairman THOMPSON and Ranking Member KATKO for their leadership in announcing this bill, and I hope that it will have broad bipartisan support next week.

Mr. FERGUSON. Madam Speaker, I want to thank the majority for those remarks on the schedule.

I also want to take a minute to thank the leader, and others over there, for helping pass H.R. 2877, the Behavioral Intervention Guidelines Act. It is a really good bill that will go a long way in supporting school safety. I know there were many questions about it, and everybody worked to get it to a good spot. I would like to, again, extend my appreciation for all of the help from my Democratic colleagues.

Turning to the operations of the House, as the gentleman knows, the CDC has now lifted all mask and social distancing requirements. President Biden has lifted the mask requirements for the White House staff. But, amazingly, here in the House of Representatives, we still must wear the mask, stagger the vote times, have these long vote times. We should be going back to a 5-minute and a 2-minute schedule so we can do the work of the House.

When can we expect these restrictions to be lifted?

Madam Speaker, I yield to the gentleman from California.

Mr. AGUILAR. Madam Speaker, I want to thank the gentleman for the question and for acknowledging the extraordinary success of the Biden-Harris administration in putting millions of shots in arms at a historic pace.